

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS, ET AL.,

Plaintiffs,

v.

MARCO RUBIO, ET AL.,

Defendants.

Case No. 1:25-cv-10685 (WGY)

EXHIBITS TO PLAINTIFFS' PRETRIAL BRIEF

AAUP v. Rubio
1:25-cv-10685 (D. Mass.)

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EXHIBIT 1

[< Back](#)[Share](#) **Language: English**[Arabic](#)[Bulgarian](#)[Croatian](#)[Czech](#)[Danish](#)[Dutch](#)[English](#)[Estonian](#)[Finnish](#)[French](#)[German](#)[!\[\]\(9f3852d68d41e1e95bc4ec10e81aba4b_img.jpg\) Working Definitions & Charters](#)

Working definition of antisemitism

Read the full text of the IHRA's non-legally binding working definition of antisemitism and learn more about this important tool with the related resources and FAQs below.

Our working definitions are available in multiple languages. While we try to ensure the accuracy of all of our translations, in the event of any discrepancies, the English translation takes precedence.



[What is the IHRA?](#)

[Explore all IHRA Resources](#)

In the spirit of the Stockholm Declaration that states: “With humanity still scarred by ... antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils” the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

Adopt the following non-legally binding working definition of antisemitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is

expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- ◆ Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- ◆ Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective – such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- ◆ Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- ◆ Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- ◆ Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- ◆ Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- ◆ Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- ◆ Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- ◆ Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.

- ◆ Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- ◆ Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

Featured download



26 May 2016

IHRA non-legally binding working definition of antisemitism

Adopted by the IHRA Plenary in Bucharest

Download the full text of the IHRA's working definition of antisemitism.

[Download file](#)

Related resources



Recommendations for Dealing with Antisemitism at Universities with Teacher Education

This resources provides recommendations for dealing with antisemitism at universities with teacher education.

[Find out more](#)



The IHRA Working Definition of Antisemitism: A Guide to Implementation for Sporting Institutions

Helping combat antisemitism in and through sport.

[Find out more](#)



EU handbook for the practical use of the IHRA working definition of antisemitism

Illustrating good practices in the application of the IHRA working definition of antisemitism.

[Find out more](#)

Frequently asked questions

- Why was the IHRA working definition of antisemitism developed?

▼
- How did the IHRA adopt the working definition of antisemitism?

▼
- What has its impact been?

▼
- Who has adopted the working definition of antisemitism?

▼



[Download the IHRA working definition of antisemitism](#)



Related content

22 Apr 2024

Intersectional Insights: Combating Antisemitism in 2024 with KlgA

Established over 20 years ago, the Kreuzberger Initiative gegen Antisemitismus (KlgA) was one of the first organizations focused on combating antisemitism in Germany and this year won funding under the IHRA Grant Program.

[Read More](#)

03 May 2024

Combating Antisemitism: The Never Again Association's Enduring Battle

In the early '90s, amid the promise of Poland's transition to democracy, a group of young visionaries were also witnessing the alarming rise of extreme right-wing ideologies. Inspired by the courage of those who resisted the Nazis, they founded the Never Again Association.

[Read More](#)

Other

IHRA Toolkit Against Holocaust Distortion

Take steps towards recognizing and countering Holocaust distortion with the practical tools, guidance, and example activities included in this online Toolkit.

[View](#)

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About the IHRA

The International Holocaust Remembrance Alliance (IHRA) is an intergovernmental organization with 35 Member Countries. We were founded in 1998 to address challenges related to the Holocaust and genocide of the Roma.

Find out more

Useful Pages

[Press Room](#)

[Member Countries](#)

[Working Definitions](#)

[Resources for Education Professionals](#)

[Focus Areas](#)

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INTERNATIONAL
**HOLOCAUST
REMEMBRANCE**
ALLIANCE



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EXHIBIT 2

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MAHMOUD KHALIL,

Petitioner,

v.

WILLIAM P. JOYCE, *et al.*,

Respondents.

No. 25 Civ. 1935 (JMF)

SECOND SUPPLEMENTAL DECLARATION
OF ACTING FIELD OFFICE DIRECTOR
WILLIAM P. JOYCE

SECOND SUPPLEMENTAL DECLARATION OF WILLIAM P. JOYCE

I, WILLIAM P. JOYCE, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an Acting Field Office Director (“(A)FOD”) in the New York City Field Office of Enforcement and Removal Operations (“ERO New York”) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”).
2. I am aware that Mahmoud Khalil (“Khalil”) has filed an Amended Petition for a Writ for Habeas Corpus before this Court.
3. As the (A)FOD, I am responsible for, among other things, oversight of the civil immigration arrest and detention of aliens in the New York City area. In my role as the (A)FOD, I have access to records maintained in the ordinary course of business by ICE, including documentary records concerning ERO New York and the alien detainees who fall within its responsibility.

4. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.

5. Khalil is a native of Syria and citizen of Algeria who entered the United States under a F1 visa on December 20, 2022.

6. On November 16, 2024, Khalil obtained Lawful Permanent Resident (“LPR”) status as the spouse of a United States citizen.

7. On March 8, 2025, Special Agents from the ICE Homeland Security Investigations (“HSI”) Office of the Special Agent in Charge for the New York Area of Responsibility (“AOR”) arrested Khalil at 8:35 p.m. at 195 Claremont Avenue in Manhattan, New York, for the purpose of placing him in removal proceedings. HSI transported him to 26 Federal Plaza at 8:44 p.m. and arrived at 9:20 p.m. While at 26 Federal Plaza, HSI served Khalil with a Notice to Appear (“NTA”), which charged him as removable pursuant to 8 U.S.C. § 1227(a)(4)(C)(i), in that the Secretary of State has reasonable grounds to believe that his presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States (“Exhibit A”). HSI also served Khalil with a Notice of Custody Determination, notifying Khalil that his detention was governed by 8 U.S.C. § 1226(a) (immigration custody during removal proceedings).

8. Due to the lack of available detention space available to ERO New York, aliens arrested by ICE in that AOR are often detained at facilities in other AORs. This is an operational necessity to prevent overcrowding in ICE facilities.

9. Orange County Jail in Goshen, New York did not have available detention space to accommodate Khalil and many ICE detention facilities throughout the Northeastern United States

are near or at capacity and engaged in efforts to relocate detained aliens to regions with available bedspace.

10. Between March 8, 2025, and March 9, 2025, ERO New York transported sixteen detained aliens, including Khalil, from ERO New York's AOR to New Orleans Field Office of Enforcement and Removal Operations ("ERO New Orleans") AOR. Most of these transfers were for ongoing detention, while a small number were being staged for removal. ERO New Orleans has administrative control of eight different detention facilities, meaning that AOR is often able to accommodate transfers when other AORs are not.

11. Newark Field Office of Enforcement and Removal Operations ("ERO Newark") indicated that Elizabeth Detention Facility in Newark, New Jersey was experiencing and continues to experience a bedbug issue that prevented them from accepting detainees as full transfers. ERO New York did not request bed space from Philadelphia Field Office of Enforcement and Removal Operations ("ERO Philadelphia") or Buffalo Field Office of Enforcement and Removal Operations ("ERO Buffalo") based on awareness of general paucity of bedspace in those AORs compared to the known availability of bedspace in ERO New Orleans' AOR, as well as the need for those AORs to accommodate their own ongoing operations.

12. While Khalil was at 26 Federal Plaza, ERO sought and obtained bedspace for Khalil from the ERO New Orleans Field Office. The bedspace request for Khalil was made at 10:49 p.m. on March 8, 2025. The travel packet for Khalil and his escorting officers was finalized at 3:57 a.m. on March 9, 2025, with a flight scheduled for 2:35 p.m. on March 9, 2025.

13. ERO New York was responsible for locating bed space to detain Khalil and made its decisions on where to detain him based solely on operational considerations.

14. ERO New York did not receive any directives or instructions pertaining to Khalil's detention.

15. ICE's facility at 26 Federal Plaza is a Hold Room facility used for detention of individuals awaiting removal, transfer, EOIR hearings, medical treatment, intra-facility movement, or other processing into or out of a facility and it does not have beds or overnight medical staff. ICE ERO policy number 11087.2 dictates that absent exceptional circumstances, no detainee should be housed in a Hold Room facility for longer than 12 hours.

16. In compliance with this policy, upon completion of initial processing, Khalil departed 26 Federal Plaza at 1:40 a.m. and ICE transported Khalil to Elizabeth Detention Facility in Newark, New Jersey, where he was physically present and booked into the detention facility at 2:20 a.m. Eastern Standard Time (3:20 a.m. Eastern Daylight Time) on March 9, 2025. Elizabeth Detention Facility has comprehensive overnight accommodations for detainees such as beds and 24-hour medical staff. As stated above, Khalil could not be housed at Elizabeth Detention Facility long-term due to the bedbug issue, so he remained there only until his flight to New Orleans.

17. At the time Khalil filed a petition for a writ of habeas corpus in the Southern District of New York, he was detained at Elizabeth Detention Facility in Newark, New Jersey.

18. On March 9, 2025, Khalil departed Elizabeth Detention Facility at 11:30 a.m. and was brought to the airport to be transported to the Central Louisiana ICE Processing Facility in Jena, Louisiana.

19. On March 10, 2025, Khalil was booked into the Central Louisiana ICE Processing Facility at 12:33 a.m., Central Time and he has been detained at that detention facility since that time. ICE has no current plans or intentions to transfer Khalil from ERO New Orleans' AOR during the pendency of removal proceedings.

Executed this 17 day of March 2025.

William P. Joyce
Acting Field Office Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: MAHMOUD KHALIL currently residing at:

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☐ You are an alien present in the United States who has not been admitted or paroled.
- ☒ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of SYRIA and a citizen of ALGERIA;
3. You were admitted to the United States at unknown place on or about unknown date as a unknown manner; OR Your status was adjusted to that of a lawful permanent resident on November 2024 under section 212 (a) (3) (C) of the Act;
4. The Secretary of State has determined that your presence or activities in the United States would have serious adverse foreign policy consequences for the United States.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(4)(C)(i) of the Immigration and Nationality Act, as amended, in that the Secretary of State has reasonable ground to believe that your presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

830 PINEHILL RD JENA LA 71342. LASALLE DETENTION FACILITY

(Complete Address of Immigration Court, including Room Number, if any)

on March 27, 2025 at 8:30 AM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

TIMOTHY MORAN - Supervisory Special Agent TIMOTHY M MORAN JR
(Signature and Title of Issuing Officer)

Digitally signed by TIMOTHY M MORAN JR
Date: 2025.03.09 09:41:11 -0500

Date: March 9, 2025

26 Federal Plaza, New York, NY
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 9, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☐ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to sign
 (Signature of Respondent if Personally Served)

TIMOTHY M MORAN JR Digitally signed by TIMOTHY M MORAN JR
 Date: 2025.03.09 05:41:28 -0500
 TIMOTHY MORAN - Supervisory Special Agent
 (Signature and Title of officer)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EXHIBIT 3



██████ – welcome to VO Webinar on...

Introduce self + participants (MD ██████, ██████ of CA/LE ██████ of VO/SAC, ██████ [Thurs]/██████ [Fri] of L/CA)


First/second of two identical webinars, will not be recorded

As a reminder, please be sure you are muted.

Agenda

- Opening Remarks
- Overview of Policy Guidance in 25 STATE 26168
- Conducting and Documenting Social Media Reviews
- Assessing Student Credibility
- Assessing Potential LE Ineligibilities
- Q&A

SENSITIVE BUT UNCLASSIFIED



to run through agenda

I know there are a lot of questions about this process and we hope to answer many of them along the way.

turn it over to MD

Opening Remarks

[REDACTED], Managing Director
CAVO

SENSITIVE BUT UNCLASSIFIED



MD [REDACTED]

Secretary Rubio – March 16, 2025

“If you tell us when you apply for a visa, ‘I’m coming to the U.S. to participate in pro-Hamas events,’ that runs counter to the foreign policy interests of the United States...We don’t want people in our country that are going to be committing crimes and undermining our national security or the public safety. It’s that simple.”

SENSITIVE BUT UNCLASSIFIED



■

This guidance is part of our implementation of Executive Orders 14161 and 14188 aimed at protecting the U.S. from foreign terrorists, supporters, and other threats as well as combatting antisemitism. As Secretary Rubio has said, engaging in activities that advocate for terrorist activity or organizations is contrary to our foreign policy and national interests.

25 STATE 26168

- **Purpose:** Protect national security through enhanced vetting of student visa applicants.
- **Key Actions:**
 - Mandatory social media reviews for certain student (F-1, M-1, certain J-1) visa applicants.
 - Enhanced screening for indicators of intent to engage in activities prohibited under LE or inconsistent with the requested visa class.

SENSITIVE BUT UNCLASSIFIED



The guidance that we put out in 25 STATE 26168 is the preventative piece of this policy – ensuring that we address any derogatory information related to intent to engage in prohibited activities or those that are inconsistent with the visa status. Any applicant who has not demonstrated to your satisfaction that they meet all of the standards required by their visa classification should be refused.

As part of this screening effort, Consular officers must refer specific student visa applicants to the LE for social media checks. Consular officers should then use the information obtained by the checks as part of their assessment of the totality of the applicant's circumstances.

In the next slide, we'll discuss which students are included in this requirement.


Which Students?

F-1, M-1, certain J-1* visa applicants who are otherwise eligible and who meet one or more of the following criteria:

LE

*J-1 applicants in the "student" exchange program category as described in 9 FAM 402.5-6(E)(11): secondary school students, college/university students, degree students, nondegree students, and student interns.

SENSITIVE BUT UNCLASSIFIED



By "students" we mean F-1, M-1, and J-1 applicants in the "student" category of exchange programs as noted at the bottom of the slide. The social media review is not mandatory for J-1 applicants who *happen* to be students but are applying for other exchange programs such as au pair or SWT.

So, this universe of students, who are otherwise eligible and meet one or more of the three criteria:

LE

Remember that social media reviews are only for applicants who are otherwise eligible for the visa. If you've already determined they don't overcome 214(b), that's the end of the road for them.

Now moving on from which applicants to review, we'll talk about how to conduct and document the review. I'll turn it over to [REDACTED] from **LE**.



CA/LE [REDACTED]

Conducting Social Media Reviews

LE


For Adjudicators

- Do not refer **LE** any applicant that would not otherwise overcome 214(b)
- **Then** consider the criteria for the mandatory social media review
- If one or more of the criteria is met, refer the case **LE**

LE

LE

LE



SIFIED

CA/LE **LE**



CA/LE [REDACTED]



CA/LE [REDACTED]

Documenting Social Media Reviews

Road ahead

- Refining guidance for searching specific social media platforms
- Want to hear your best practices
- Reach to [REDACTED] LE [REDACTED] with any questions about conducting or documenting social media reviews



SENSITIVE BUT UNCLASSIFIED



CA/LE [REDACTED]

Assessing Student Credibility

Consider how the applicant's activity reflects:

- Intent and ability to solely pursue a full course of study.
- Intent to engage in unlawful activities or those inconsistent with student status.

Has the applicant credibly shown that *all* activities in which he or she is expected to engage are consistent with FMJ status?

SENSITIVE BUT UNCLASSIFIED



Now, turning to what consular officers should do with the results of the social media review.

We've received a few questions about what activity should or should not be considered derogatory. Broadly speaking, you should look for any information that impacts the applicant's eligibility for the visa –

LE

LE

LE

LE

The FAM requires that an F-1 or M-1 applicant must demonstrate intent to enter the United States solely to pursue a full course of study. Relatedly, J-1 applicants for student programs are required to pursue a full course of study.

LE

For applicants whose activities may rise to a higher level, I'll turn to [REDACTED] of L/CA and [REDACTED] of VO/SAC to talk about assessing applicants for [REDACTED] LE [REDACTED] ineligibilities.


ACO

Potential [REDACTED] LE [REDACTED] Ineligibilities

Consular officer's role: the finder of fact

LE [REDACTED]

SENSITIVE BUT UNCLASSIFIED



L/CA and SAC

USG Coordination

- **E.O. 14161 requires all relevant agencies to:**
 - “vet and screen to the maximum degree possible all aliens who intend to be admitted, enter, or are already inside the United States.”
 - “Evaluate and adjust all existing regulations, policies, procedures, and provisions...or guidance of any kind pertaining to each of the grounds of inadmissibility listed in sections 212(a)(2)-(3) of the INA”

SENSITIVE BUT UNCLASSIFIED



■ We received a few questions related to DHS’s involvement in the enhanced vetting procedures, whether that’s through screening at the POE or in the removal process. EO14161 tasks all relevant agencies to evaluate their policies and procedures to ensure maximum vetting.

We have been working closely with DHS on several lines of effort related to vetting and information sharing. As one example, we’ve established a Student Visa Working Group to facilitate information flow and coordinate actions on individuals with derogatory information.

While we won’t get into depth today on these efforts, we wanted to reassure you that CA is not doing this alone – we are closely coordinating with our partner agencies on enhanced vetting efforts.

Questions

- Will all applicants with a prior SEVIS termination **LE**

LE

- LE

LE

SENSITIVE BUT UNCLASSIFIED



We're going to dig into the Q&A portion of the webinar, starting with questions that were submitted by posts ahead of time. Similar questions have been combined in the interests of time.

1. VO/F [REDACTED] : [REDACTED] LE

LE

2. VO/F [REDACTED] : [REDACTED] LE

LE

Questions

- How are IW student applicants affected?
- What about applicants who are applying for other NIV categories but still meet some of the criteria **LE**

LE

SENSITIVE BUT UNCLASSIFIED



1. VO/E

IF

LE

2. VO/F: You aren't limited to conducting social media checks for only student visa applicants. While the social media check is mandatory for student visa applicants who fall into the criteria, if you have doubts about any applicant's activities during their previous stay as a student, and you otherwise intend to issue, post should conduct a social media review to help you assess the totality of the applicant's circumstances.

Questions

- Can LE Staff conduct the social media review?
- What social networks are we allowed to check? Is Tiktok ok?
- What if the account is set to private?

SENSITIVE BUT UNCLASSIFIED



Back over to [REDACTED] for a few questions about the social media review process.

Questions

- How should we handle applicants who don't provide accurate/any social media information?

SENSITIVE BUT UNCLASSIFIED



VO/F [REDACTED]:

1.

LE

Questions

- Will Consular Sections need to shift resources **LE**
LE due to these changes?
- Is there a push from DC **LE**
LE?

SENSITIVE BUT UNCLASSIFIED



1 VO/E . IF

LE

2. VO/F [REDACTED] : [REDACTED] LE

LE

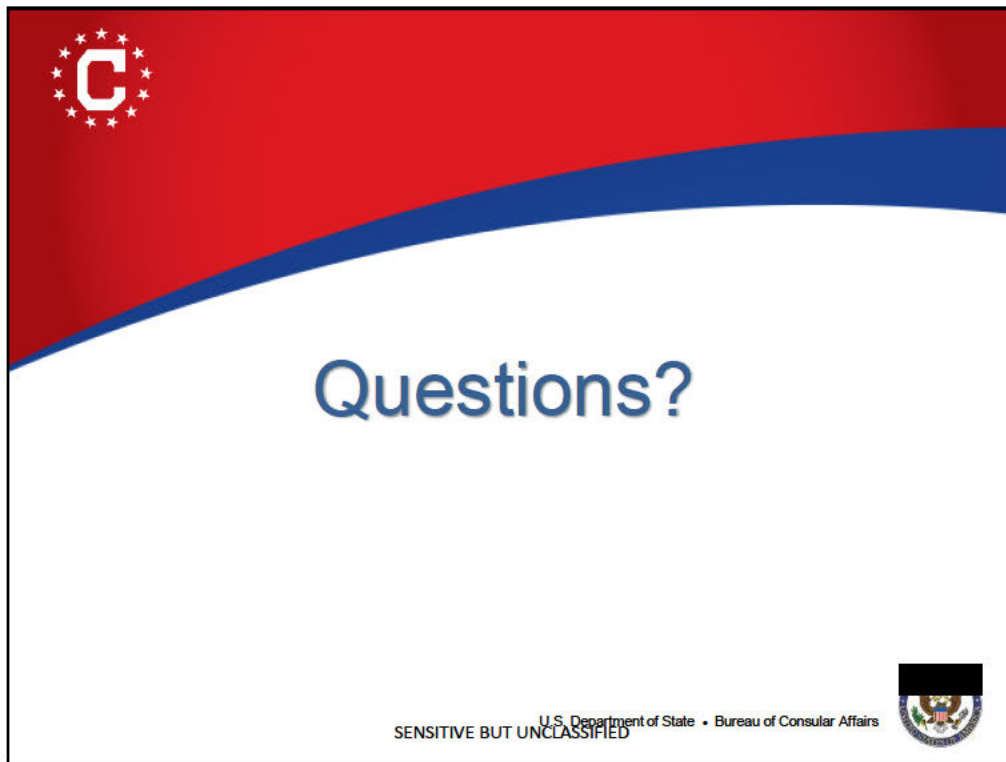


EXHIBIT 4

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

- - - - - x
AMERICAN ASSOCIATION OF :
UNIVERSITY PROFESSORS, ET :
AL, :
Plaintiffs, : Case No.
v. :
MARCO RUBIO, ET AL, : 1:25-cv-10685 (WGY)
Defendants. : CONFIDENTIAL

- - - - - x

Videotaped deposition of STUART WILSON,
taken on behalf of the Plaintiffs, beginning at
10:11 a.m., on Tuesday, June 24, 2025, at the
law offices of Kellogg, Hansen, Todd, Figel &
Frederick, P.L.L.C., 1615 M Street, NW, Suite
400, Washington D.C. 20036, before Okeemah S.
Henderson, RRP, CaseViewNet Realtime Reporter,
and Notary Public for the District of Columbia.

(REPORTER'S NOTE: All quotations from exhibits
are reflected in the manner in which they were
read into the record and do not necessarily
denote an exact quote from the document.)

Reported by: Okeemah S. Henderson, RPR

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1 INDEX OF EXAMINATION

3 WITNESS: STUART WILSON

PAGE

5 DIRECT EXAMINATION

6 By Ms. Conlon

6

9 INDEX OF EXHIBITS

11 EXHIBITS

PAGE

12 Exhibit 1 Article with photograph of
13 Mahmoud Khalil

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14 Exhibit 2 Cable MRN 25 State 59756

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P R O C E E D I N G S

THE VIDEOGRAPHER: We are now on the record. Today's date is June 24, 2025 and the time is 10:11 a.m. Eastern daylight time. This is the recorded video deposition of Stuart Wilson in the Matter of American Association of University Professors, et al versus Marco Rubio, et al, in the United States District Court, District of Massachusetts. Civil Action No. 125-CV 10685.

This deposition is being held at 1615 M Street, Northwest, Washington, D.C. My name is John Rasson from Everest Court Reporting and I'm the video specialist. The court reporter is Okeemah Henderson also from Everest Court Reporting.

All counsel appearing today will be noted on the stenographic record. Will the court reporter please swear in the witness.

STUART WILSON,
was called as a witness, and having been first duly sworn, was examined and testified as follows:

THE WITNESS: I swear.

EXAMINATION

BY MS. CONLON:

Q. My name is Alex Conlon. I'm a lawyer from Sher Tremonte. I'm here with my colleague, Scott Wilsen and Ramya Krishnan, and actually before we start questioning, if every counsel who is here wouldn't mind just putting their appearances on the record?

MS. STROKUS: Jessica Strokus from DOJ.

MS. SAFAVI: Nancy Safavi, DOJ.

MS. TALKOVSKY: Sarah Talkovsky, the Department of State.

MS. ELDRED: Alina Eldred, Department of State.

BY MS. CONLON:

Q. Because Ms. Henderson is taking down everything that we say, please give verbal responses. If you don't understand a question, let me know, and I will do my best to rephrase it.

If you want to take a break at any point we can absolutely do that. If there is a question pending that's been put to you, I will ask you to answer before we break.

1 But if you need to confer with counsel
2 for any reason about privilege or anything else
3 which has come up in some of these, let us
4 know.

5 Okay. So before we get into the real
6 meat of it. I have to ask, are you taking any
7 medications that could affect your ability to
8 testify truthfully today?

9 A. No.

10 Q. Is there any reason why you
11 can't provide truthful testimony today?

12 A. No.

13 Q. Have you ever given sworn
14 testimony before?

15 A. No.

16 Q. So this is your first rodeo
17 deposition. Okay. Are you represented in your
18 -- well, withdrawn.

19 Do you understand that counsel that's
20 here to represent to you in your capacity as an
21 employee of the State Department or in your
22 person capacity?

23 A. In my capacity as a State
24 Department employee.

25 Q. Before joining us today, did

1 you speak with anyone about your testimony?

2 A. Yes.

3 Q. Who did you speak with?

4 A. The team here.

5 Q. Did you speak with anyone
6 that's not a lawyer about your testimony?

7 A. No.

8 Q. Did you review any documents to
9 prepare for your testimony today?

10 A. I did not.

11 Q. Some of your colleagues -- at
12 least one of your colleagues has testified in
13 this matter. Have you spoken to Mr. John
14 Armstrong about testifying in this case?

15 A. I have not, no.

16 Q. Have you spoken with Andre
17 Watson about testifying in this case?

18 A. No.

19 Q. Okay. So what is your current
20 title?

21 A. I'm the Deputy Assistant
22 Secretary for Visa office and Consular Affairs.

23 Q. How long have you been in that
24 role.

25 A. Since February 13th.

1 Q. And what was your role before
2 that?

3 A. I was the consular general in
4 Moscow.

5 Q. So you just came back from
6 Moscow in February?

7 A. Correct.

8 Q. How long were you in Moscow
9 for?

10 A. Approximately, a year and a
11 half.

12 Q. Do you have a particular rank
13 in the State Department?

14 A. FEOC. Senior Foreign Service.

15 Q. Senior Foreign Service?

16 A. Right.

17 Q. Okay. And how long have you
18 been in the Senior Foreign Service for?

19 A. 1991.

20 Q. You work in the front office of
21 the Visa -- or withdrawn. The front office of
22 the Bureau of the Consular Affairs; is that
23 correct.

24 A. That's correct.

25 Q. The Visa office sits within the

1 Bureau of Consular Affairs?

2 A. That's correct, right.

3 Q. Who else works in the front
4 office with you?

5 A. John Armstrong is our senior
6 bureau official, Matt Pierce is our acting
7 principal deputy assistant secretary. Do -- it
8 depends on how deep you want to go.

9 Q. The other officials -- senior
10 officials who sit in the front office with you,
11 if you wouldn't mind?

12 A. Jessica Norris is the managing
13 director in the Visa office, and as far as our
14 front office where we're situated physically
15 that's all we have.

16 Q. In terms of relative seniority,
17 is Ms. Norris senior or junior to you?

18 A. She's junior to me.

19 Q. Who do you report to?

20 A. John Armstrong.

21 Q. Now, as the -- I want to get
22 your title right. One second. Okay.

23 As the deputy assistant secretary for
24 the Visa office what are your job duties?

25 A. I oversee the Visa operations

1 for the State Department both domestically and
2 oversees, that the short kind of description.

3 Q. Do you oversee anyone in your
4 role other than Ms. Norris? Do you oversee
5 anyone directly?

6 A. I had to think about it for a
7 minute. Everybody -- all the directors report
8 to her. She reports to me.

9 Q. The directors of what?

10 A. The director it sounds
11 factious, that's how the office -- these
12 offices divided into directorates.

13 Q. What are the directorates of
14 the Visa office?

15 A. We have overseas operations, we
16 have domestic operations, we have security and
17 vetting, we have the technical side, the
18 information side, and that's it.

19 Q. So you oversee Ms. Morris who
20 oversees all of the directors of the Visa
21 office; is that correct?

22 A. That's correct.

23 Q. What does the security and
24 vetting director of the Visa office do?

25 A. He coordinates all the vetting

1 that we do for Visa applicants so that would
2 include coordination of databases, interagency
3 databases.

4 Q. Who is the -- what's the
5 director or the proper term --

6 A. That's right.

7 Q. Who is the director of security
8 and vetting director?

9 A. Rob Jachim.

10 Q. I'm sorry.

11 A. Bob. Robert Jachim.

12 Q. And how long has he been in his
13 role?

14 A. I do not know.

15 Q. Do you know if he's been in his
16 role since before 2025?

17 A. I do not know.

18 Q. What does the domestic
19 operations directorate do?

20 A. Exactly how it sounds. It's
21 responsible for the Visa operations that are
22 within the United States. So that would
23 include the National Visa Center and the
24 Kentucky Consular Center.

25 Q. And who is the director of the

1 domestic operations directorate?

2 A. Brenda -- Brenda -- her name
3 escapes me.

4 Q. Now, does the security and
5 vetting directorate have anything to do with
6 current Visa holders or does it only deal with
7 Visa applicants?

8 A. It is typically people applying
9 for Visas.

10 Q. What about the domestic
11 operations directorate, do they have anything
12 to do with current Visa holders or only
13 applicants?

14 A. Applicants we are -- our
15 responsibility is for the Visa applicant prior
16 to them being issued a Visa.

17 Q. When you say "our
18 responsibility", do you mean the Visa office's
19 responsibility?

20 A. Correct.

21 Q. The Visa office is also
22 responsible for returning applicants; is that
23 correct?

24 A. Yes.

25 Q. So a person who is a Visa

1 holder who needs to renew their Visa, for
2 example, that falls under the prerogative of
3 the Visa office?

4 A. Yes. Sorry.

5 Q. Now, you talked about Visas,
6 what involvement does the Visa office have with
7 the issuance or decisions regarding green cards
8 and lawful permanent residents?

9 A. Nothing, actually. That's a
10 Homeland Security issue.

11 Q. Does the -- sorry. Does the
12 Visa office have any responsibilities relating
13 to lawful permanent residents?

14 A. No.

15 Q. Does the Visa office have a
16 counter part within the Department of State
17 that deals with or is responsible for lawful
18 permanent residents?

19 A. No.

20 Q. What part of the Department of
21 Homeland Security do you understand to be
22 responsible for lawful permanent residents?

23 A. USCIS.

24 Q. Now, focusing on the Visa
25 office, the Visa office decides when a Visa

1 should issue, correct?

2 A. Correct.

3 Q. Whether a Visa should be
4 renewed?

5 A. Correct.

6 Q. Whether a Visa should be
7 revoked?

8 A. It can be the case.

9 Q. Is there another office apart
10 from the Visa office that can decide that a
11 Visa should be revoked?

12 A. No.

13 Q. So when you say that "it can be
14 the case," is there any circumstance under
15 which that's not the case?

16 A. I'm thinking it's a large
17 question, and I need to pause and think of the
18 circumstances that we revoke Visas.

19 Q. Take your time.

20 A. Revoking Visas is the VO's
21 responsibility.

22 Q. What role does the Visa office
23 play, if any, in setting procedures relating to
24 Visa revocation?

25 A. Setting the procedures, I can't

1 answer that.

2 Q. Is procedure -- am I using sort
3 of the wrong term? Is there a word you would
4 use --

5 A. No, no, that's correct. It's
6 just that I'm too new to be familiar with how
7 those procedures were developed.

8 Q. I see. Does the Visa office
9 develop policies generally relating to Visas?

10 A. The Visa office is a
11 fact-finding -- has a fact-finding mission to
12 find facts behind things. Policy is generally
13 set by the 7th floor or the higher up
14 executives.

15 Q. Who is the on the 7th floor?

16 A. Secretary Rubio.

17 Q. So you said policy is usually
18 set by the 7th floor, meaning Secretary Rubio,
19 or higher up executives. Is there a particular
20 level of executive that sets policy relating to
21 Visas apart from Secretary Rubio?

22 A. It can come out the White
23 House, the President.

24 Q. Anyone other than Secretary
25 Rubio or the White House that can set Visa

1 policy?

2 A. National Security counsel or
3 Homeland Security counsel.

4 THE COURT REPORTER: What was the
5 second one?

6 A. Homeland Security counsel?

7 BY MS. CONLON:

8 Q. Anyone else?

9 A. Typically, no, you could have a
10 case where the Deputy Secretary of State has a
11 voice in that. It's very high level.

12 Q. Does the Visa office have a
13 role in creating guidance about Visa
14 revocations?

15 A. Yes.

16 Q. What is the Visa office --

17 MS. STROKUS: Objection. Form.

18 BY MS. CONLON:

19 Q. Okay. What is the Visa
20 office's role in creating guidance for Visa
21 revocations?

22 MS. SAFAVI: Objection. Form.

23 MS. CONLON: You can answer the
24 question.

25 THE WITNESS: I could?

1 MS. STROKUS: Yes, you can answer the
2 question.

3 MS. CONLON: Mm-hmm. You can answer
4 the question.

5 A. I have not been part of the
6 creation of any policy for Visa revocations,
7 again, because of my just arriving at post.

8 BY MS. CONLON:

9 Q. Do you have an understanding of
10 what the Visa office's rule is in issuing, if
11 any -- in issuing guidance about Visa
12 revocations?

13 MS. STROKUS: Objection.
14 Speculation.

15 A. The guidance as far as I know
16 has been established -- is long time
17 established.

18 BY MS. CONLON:

19 Q. You said the guidance as far as
20 you know has been established for a long time?

21 A. Right.

22 Q. Guidance about Visa
23 revocations?

24 A. Correct.

25 Q. In your overseas rules, most

1 recently Russia, what was your personal
2 involvement in Visa issuance, renewals or
3 revocation?

4 A. I had no -- well, I did not
5 have any direct interactions with Visa
6 revocations. We did have revocations that were
7 sent from the department for cases where
8 somebody had misused a Visa or something that
9 would require them to be revoked.

10 Q. So sometimes a post will
11 receive guidance from the front office about a
12 particular Visa applicant at the post; is that
13 correct?

14 A. That's correct. Happens very
15 frequently.

16 Q. Happens frequently. And you
17 were in Moscow until February?

18 A. That's correct, yes.

19 Q. What date did you leave?

20 A. I left the 10th.

21 Q. Of February?

22 A. Of February. And I started the
23 13th here.

24 Q. Through your overseas roles
25 have you developed familiarity with the

1 policies and procedures around the issuance of
2 Visas?

3 A. Yes.

4 Q. Around the revocation of Visas?

5 A. Not typically, no.

6 Q. Why do you have more experience
7 with issuances than revocations?

8 A. It depend on my
9 responsibilities within the consular section.
10 I largely work with American citizen issues, so
11 my experience has been that. For 10 years
12 prior I was not in a consular role.

13 Q. So your experience in the field
14 with Visa revocations includes receiving
15 guidance from the front office to make
16 revocation; is that correct?

17 A. I've never received guidance in
18 particular about revocations.

19 Q. You said that the State
20 Department will give a direction to a field
21 office about a revocation for a particular
22 person, right?

23 MS. STROKUS: Objection. Form.

24 BY MS. CONLON:

25 Q. Correct?

1 A. Yes.

2 Q. So when you say that you've
3 never received guidance, you mean you
4 personally haven't received guidance about a
5 Visa revocation while working in the field?

6 A. That's correct.

7 Q. Did you have a very senior role
8 in Moscow?

9 A. I was consular general, yes.

10 Q. The most senior role in Moscow?

11 A. Yes.

12 Q. Okay. So you oversaw other
13 people who had to make decisions about Visa
14 revocations; is that right?

15 A. We were a nonVisa issuing post.
16 They suspended Visa operations.

17 Q. Have you at any point in your
18 career overseen other people whose job it was
19 to make decisions about revoking Visas?

20 A. Not immediately.

21 Q. Not immediately meaning what?

22 A. Several lawyers down, perhaps.

23 Q. In other words, you were in a
24 more senior role than the person making the
25 decision about a revocation?

1 A. Yes.

2 Q. Do revocations at posts in the
3 field get run up the flag pole to a more senior
4 person?

5 MS. STROKUS: Objection. Form.

6 MS. CONLON: I'm sorry. You can --

7 A. Do they get run up the flag
8 pole?

9 BY MS. CONLON:

10 Q. Yes. To a more senior person
11 who's at a post?

12 A. As I understand it, and I've
13 actually never done one in the field, as I
14 understand it, there are messages that are sent
15 to the adjudicating officer, whoever is working
16 the Visas who can then revoke -- enter that the
17 Visa's revoked in the system.

18 Q. But you're talking about our
19 systems messages, right?

20 A. Correct.

21 Q. In other words, a Visa
22 applicant comes to the window and that consular
23 official puts their name into a system and a
24 message automatically pops up with information
25 about the applicant, correct?

1 A. That's a name check.

2 Q. That's a name check. Okay. So
3 what is a system message?

4 A. Messages that are sent for
5 whatever reason that we need to revoke a Visa.
6 Visas are revoked for if the person is no
7 longer in the -- qualifies for that particular
8 Visa, to be brief.

9 Q. And who sends the messages?

10 MS. STROKUS: Objection. Law
11 enforcement privilege.

12 THE WITNESS: It is, indeed.

13 MS. STROKUS: I instruct you not to
14 answer the question.

15 BY MS. CONLON:

16 Q. What is the role, I'm not
17 asking for the particular name, but what is the
18 role a person has -- who sends system messages
19 to consular posts?

20 MS. STROKUS: Objection. Form.

21 MS. SAFAVI: Objection. Form and
22 privilege.

23 MS. CONLON: Thank you. Okay. I'm
24 going to pause. I'm totally happy to have
25 another lawyer defend at the next deposition

1 but I would prefer if just one lawyer was
2 defending this deposition.

3 So if we can -- we can pause for
4 conferring, but if it's going to be you, that
5 would.

6 MS. SAFAVI: Sure. Can we take a
7 break?

8 MS. CONLON: Yes, of course. We can
9 take a break.

10 THE VIDEOGRAPHER: The time is 10:30
11 and we are off the record.

12 (A break was taken at 10:30 a.m.)

13 THE VIDEOGRAPHER: The time is 10:40
14 and we're back on the record.

15 BY MS. CONLON:

16 Q. Before we took a break, we were
17 talking about systems messages.

18 Whose job is it to input system
19 messages for consular posts about Visa
20 applicants?

21 MS. STROKUS: Objection. Law
22 enforcement privilege.

23 BY MS. CONLON:

24 Q. Without saying the name of the
25 person who has that role, can you tell me what

1 the title is or would that -- what the title is
2 of the person who does that function?

3 MS. STROKUS: Objection. Law
4 enforcement privilege. Do not answer.

5 BY MS. CONLON:

6 Q. Is there a particular part of
7 the Visa office that's responsible for entering
8 system messages?

9 MS. STROKUS: Objection. Law
10 enforcement privilege. Do not answer.

11 BY MS. CONLON:

12 Q. Does the Department of Homeland
13 Security have the ability to enter systems
14 messages that are received by consular posts?

15 MS. STROKUS: Objection. Law
16 enforcement privilege. Do not answer.

17 BY MS. CONLON:

18 Q. Have you seen a systems message
19 before?

20 A. Yes.

21 Q. Have you entered a systems
22 message before?

23 MS. STROKUS: Objection. Law
24 enforcement privilege. Do not answer.

25 BY MS. CONLON:

1 Q. Are you aware of whether --
2 withdrawn.

3 When a Visa is revoked at a consular
4 post, what kind of record is created at the
5 revocation?

6 MS. STROKUS: Objection. He lacks
7 personal knowledge of this subject. I believe
8 he stated before that he has not personally
9 been involved with Visa revocations at a
10 consular post.

11 MS. CONLON: Ms. Strokus, I'm going
12 to ask you not to make speaking objections.

13 BY MS. CONLON:

14 Q. Mr. Wilson, if you know what
15 kind of record is created when a Visa is
16 revoked at a consular post?

17 A. I can only speculate.

18 Q. You've never seen a record of a
19 Visa revocation before?

20 MS. STROKUS: Objection.
21 Speculation. You can answer.

22 BY MS. CONLON:

23 Q. Have a you ever seen a record
24 of Visa revocation before?

25 A. Yes.

1 Q. When?

2 A. Long time ago, 10 years ago
3 speculation or estimation.

4 Q. Are you familiar with the
5 recordkeeping system used for Visa revocations?

6 A. No.

7 Q. What agencies, if any, apart
8 from State play a role in Visa revocations?

9 THE WITNESS: It's law enforcement
10 information.

11 MS. CONLON: I see you looking at
12 your counsel to see if they're going to object.
13 I don't hear an objection. Is there an
14 objection?

15 MS. STROKUS: Yeah, there's a law
16 enforcement privilege objection to the extent
17 you can answer without revealing law
18 enforcement privilege materials, you may answer
19 it.

20 A. The information comes from
21 multiple sources.

22 BY MS. CONLON:

23 Q. Well, the question is what
24 agencies, if any, apart from the Department of
25 State play a role in Visa revocations? That's

1 the question. Is there an objection to that
2 question?

3 MS. SAFAVI: I guess that's fine.

4 MS. STROKUS: I think that, you know,
5 to the extent he can answer without revealing
6 law enforcement privileged materials, he can
7 answer.

8 BY MS. CONLON:

9 Q. Okay. So what's the answer?

10 THE WITNESS: Can I take a break?

11 MS. CONLON: Well --

12 MS. SAFAVI: Well, we can't leave it
13 unanswered, so.

14 MS. TALKOVSKY: (Inaudible) the
15 instruction if he thinks his answer --

16 (Simultaneous talking.)

17 MS. CONLON: I'm just going to pause
18 and say, for the record, like, one, we've
19 deposed other people from the Department of
20 Homeland Security and the Department of State.

21 So I can just directly ask him is the
22 Department of Homeland Security involved or we
23 can do this all day, but the question is the
24 name of agencies.

25 This is publically available

1 information, so I'm not sure why we're getting
2 law enforcement objections to this question.

3 So I'm going to ask again. Answer to
4 the extent you can consistent with the
5 instructions your counsel gives you.

6 BY MS. CONLON:

7 Q. What other agencies apart from
8 the Department of State play a role in Visa
9 revocations?

10 MS. STROKUS: Objection. Form.

11 BY MS. CONLON:

12 Q. You can answer, it's a form
13 objection.

14 A. I can only speculate. If you
15 would like that, I can do that.

16 Q. Mr. Wilson, I know you're new
17 to your role. What agencies have you had
18 contact with in your role regarding Visa
19 revocations?

20 A. Homeland Security.

21 Q. Any other agencies?

22 A. Regarding revocations? FBI.

23 Q. Any other agencies?

24 A. To my knowledge, that's it.

25 Q. What about the White House?

1 A. No.

2 Q. Do you know whether the
3 Department of State works with the White House
4 in any capacity around Visa revocations?

5 A. Well, the Secretary of State
6 has the authority to revoke a Visa and that can
7 be done by a recommendation from the Department
8 of Homeland Security.

9 Q. And my question is: Whether
10 the Department of State works with the White
11 House in any capacity around Visa revocations?

12 A. I do not know.

13 Q. Apart from the Department of
14 Homeland Security and the FBI, are you aware of
15 any other agencies that work with the State
16 Department around Visa revocations?

17 A. No.

18 Q. What about the Department of
19 Defense?

20 MS. STROKUS: Objection. Calls for
21 speculation.

22 MS. CONLON: You can answer.

23 A. Not to my knowledge.

24 BY MS. CONLON:

25 Q. Now, you said the Secretary of

1 State has the authority to revoke a Visa based
2 on recommendation from the Department of
3 Homeland Security, correct?

4 MS. STROKUS: Objection. Form.

5 BY MS. CONLON:

6 Q. That's what your testimony is,
7 right?

8 A. Yes.

9 Q. What are the circumstances
10 under which the Secretary of State can revoke a
11 Visa based on a recommendation from Homeland
12 Security?

13 A. For this I would go to my legal
14 team at the office which we have done.

15 Q. Who is your legal team at the
16 office?

17 A. Part of the LCA.

18 Q. LCA is the legal --

19 A. Legal bureau.

20 Q. Okay. Office of Legal Counsel
21 or Legal Consular Affairs?

22 A. I don't know how they title
23 themselves.

24 Q. And you said -- withdrawn. Are
25 you saying that you collaborate with the legal

1 team on Visa revocations?

2 A. I'm sorry. I had to think
3 about that one. We get -- essentially in the
4 Visa office we are the fact finders and we
5 forward what information we have goes up the
6 chain.

7 And the Secretary has -- reserves the
8 right to revoke the Visa of somebody who is as
9 I understand it -- whose actions are contrary
10 to foreign policy.

11 Q. Okay. A lot to unpack there.
12 I'm going to start with a few questions about
13 what you said.

14 Does anybody apart from the Secretary
15 have the right to revoke a Visa?

16 MS. STROKUS: Objection. Form.

17 A. For which capacity? There are
18 different reasons to revoke Visas.

19 BY MS. CONLON:

20 Q. Well, you said that, "The Visa
21 office is the fact finders and you forward the
22 information you have and go up the chain and
23 the Secretary reserves the right to revoke the
24 Visa of somebody whose actions are contrary to
25 foreign policy."

1 So my question is: Does anyone other
2 than the Secretary have a right to revoke the
3 Visa of someone whose actions are contrary to
4 foreign policy?

5 A. Well, Visas can be revoked for
6 different reasons, yes.

7 Q. For a Visa that's being revoked
8 as contrary to foreign policy, can anyone other
9 than the Secretary of State make that
10 revocation?

11 A. Absolutely, no.

12 Q. Now, you said in the Visa
13 office you are fact finders. How do you go
14 about your fact-finding?

15 MS. STROKUS: I'm going to make a
16 quick objection law enforcement privilege. To
17 the extent you can answer the question without
18 revealing privileged information, you may
19 answer.

20 A. Okay. All right. We find
21 facts, we find information available through
22 any -- any of our various databases on
23 individuals. Individuals of interest.

24 BY MS. CONLON:

25 Q. Now, sticking with the

1 fact-finding for a moment, does the Visa office
2 do any fact-finding apart from running names
3 through databases?

4 MS. STROKUS: I'm going to repeat the
5 objection on law enforcement. To the extent
6 you can answer without revealing privileged
7 materials, you may answer.

8 A. Right. We get our information
9 from different places. It can be letters from
10 employers, there's all kinds of things we can
11 get information from.

12 BY MS. CONLON:

13 Q. Can you give me some other
14 examples that are non database means of
15 investigating? You said letters from
16 employers; what else?

17 MS. STROKUS: Objection. Law
18 enforcement privilege. To the extent you can
19 answer without revealing privileged materials
20 or information.

21 A. Right. Could be any number of
22 things, school records, bank records that the
23 applicant has shared with us.

24 BY MS. CONLON:

25 Q. In other words, reviewing the

1 applicant's application materials?

2 A. Well, I would consider anything
3 that we've requested to be part of the
4 application materials, yes.

5 Q. Anything that the Department
6 has requested meaning sometimes the Department
7 can ask an applicant for further documentation,
8 right?

9 A. That's correct.

10 Q. So the department -- the Visa
11 office reviews not only the original materials
12 submitted by the applicant, but anything that
13 the applicant has supplemented that application
14 with at the request of the State Department; is
15 that right?

16 A. If I could summarize anything
17 that the applicant has provided us, yes,
18 that's -- that can be part of the application.

19 Q. So apart from the application
20 and databases, what other fact-finding does the
21 Visa office do?

22 MS. STROKUS: Objection to the extent
23 it calls for law enforcement privileged
24 materials. To the extent it does not call for
25 that, you can answer.

1 A. We get information sometimes
2 from the 7th floor, Secretary's office, and of
3 course the law enforcement elements.

4 BY MS. CONLON:

5 Q. Does the Visa office request
6 information from law enforcement agencies about
7 each applicant that comes to it for
8 fact-finding?

9 MS. STROKUS: Objection. Law
10 enforcement privileged. Do not answer.

11 BY MS. CONLON:

12 Q. Does the Visa office request
13 information from the 7th floor about the
14 applicant's for whom it's doing fact-finding?

15 MS. STROKUS: Same objection to the
16 extent you can answer without revealing
17 privileged materials, you may answer.

18 A. In my experience that -- we've
19 never -- the Visa office has never asked for
20 information from the 7th floor.

21 BY MS. CONLON:

22 Q. How does the 7th floor become
23 aware of a particular applicant that the Visa
24 office is investigating?

25 A. I do not know.

1 Q. So from your experience,
2 sometimes the Visa office receives just
3 unsolicited information from the 7th floor
4 about an applicant?

5 MS. STROKUS: Objection. Form. You
6 can answer.

7 A. That's correct.
8 BY MS. CONLON:

9 Q. And you have no understanding
10 of why a particular applicant -- you have no
11 understanding of why you are receiving
12 information about a particular applicant from
13 the 7th floor; is that correct?

14 MS. STROKUS: Same objection. Form.

15 A. That would depend on the case.
16 Typically, we don't know. There are cases in
17 which we do. I have to have a more specific.

18 BY MS. CONLON:

19 Q. How often has the 7th floor
20 provided information to the Visa office about
21 an applicant, since you took over your role in
22 February?

23 A. I can only guess, I don't have
24 a definite number, but --

25 Q. Guessing is fine for this.

1 A. -- very small.

2 Q. A handful of cases?

3 A. Correct.

4 Q. Was there anything those cases
5 appear to have in common?

6 MS. STROKUS: Objection. Calls for
7 speculation.

8 A. I was not directly involved.
9 This was at the time where I was being brought
10 on board, so I didn't have much involvement
11 with it; so I'm not sure how to answer.

12 BY MS. CONLON:

13 Q. Going back for a moment, you
14 said that the 7th floor has been in the time
15 you've been in your role only given input about
16 these applicants a handful of times.

17 Would you say fewer than 10 times?

18 A. Yes.

19 Q. Fewer than 5 times?

20 A. I could say it's less than 10.

21 Q. In any of those instances, was
22 the applicant seeking a student Visa?

23 MS. STROKUS: Objection. Calls for
24 speculation.

25 MS. CONLON: You can answer, if you

1 know.

2 A. Not aware, no.

3 BY MS. CONLON:

4 Q. You're -- I'm sorry. Have you
5 seen the materials for any applicant for whom
6 you've received input from the 7th floor?

7 A. Not that I'm aware of.

8 Q. When the 7th floor sends
9 information to the Visa office, who do they
10 send it to?

11 A. Senior bureau official would
12 usually get that.

13 Q. John -- John Armstrong?

14 A. Right.

15 Q. What does John Armstrong do
16 with that information?

17 MS. STROKUS: Objection. Calls for
18 speculation.

19 A. He sends it to a person to take
20 action.

21 BY MS. CONLON:

22 Q. Aren't you the person who has
23 to take the action?

24 A. Not necessarily, no.

25 Q. Have you ever been the person

1 who has to take the action?

2 A. I don't know how to answer
3 that. I've been -- yes, there were time if
4 information had come, but that's just
5 hypothetical.

6 Q. Well, I'm asking you directly,
7 not hypothetically.

8 Have you taken action on any Visa
9 application where the 7th floor has given you
10 unsolicited input about the applicant?

11 A. I don't believe so, no.

12 Q. Is there anyone else in the
13 Visa office who is in a position to take action
14 on a Visa application based on information from
15 the 7th floor besides you?

16 A. Yes.

17 MS. STROKUS: Objection.
18 Speculation.

19 BY MS. CONLON:

20 Q. Who else?

21 A. Managing director.

22 Q. Ms. Norris?

23 A. Yes.

24 Q. Anybody besides you and Ms.
25 Norris?

1 A. Take action? You could go --
2 if Ms. Norris is not available, for example,
3 you could go to someone else, but that would be
4 the call of the senior bureau official.

5 Q. Now, you're senior to Ms.
6 Norris, right?

7 A. Correct.

8 Q. When Ms. Norris recommends a
9 Visa revocation, does she give that
10 recommendation to you?

11 A. I'm having to think does she
12 recommend these revocations -- I.

13 MS. STROKUS: Objection. Calls for
14 speculation.

15 BY MS. CONLON:

16 Q. What does Ms. Norris do?

17 A. She manages the directors.

18 Q. Does Ms. Norris have any role
19 in making decisions about Visa revocations?

20 MS. STROKUS: Objection. Calls for
21 speculation.

22 A. Directly, no.

23 BY MS. CONLON:

24 Q. Indirectly?

25 A. Indirectly, she would supervise

1 the office that does basic revocations.

2 Q. And which office is that?

3 A. CASAC.

4 Q. What does that stand for?

5 A. It's security and vetting.

6 THE COURT REPORTER: Security --

7 A. And vetting.

8 BY MS. CONLON:

9 Q. So the security and vetting
10 directorate makes an initial decision about a
11 Visa revocation; is that correct?

12 MS. STROKUS: Objection. Form.

13 BY MS. CONLON:

14 Q. You can answer.

15 A. Makes a decision -- I don't
16 know how decisions are made.

17 Q. When the Department of Homeland
18 Security sends a referral to the Department of
19 State proposing a Visa revocation, which part
20 of the Department of State receives the
21 referral?

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 A. That's a law enforcement issue.

25 MS. CONLON: Well, your counsel can

1 insert -- assert an objection for law
2 enforcement privilege, if your counsel thinks
3 it's privileged.

4 BY MS. CONLON

5 Q. The question is: Which part of
6 the Visa office receives the referral from the
7 Department of Homeland Security for a Visa
8 revocation?

9 A. It's CASAC.

10 Q. The SAC?

11 A. The CASAC, security and vetting
12 directorate.

13 MS. CONLON: Okay. Sorry. My real
14 time -- I see it now. Thank you.

15 BY MS. CONLON:

16 Q. The security and vetting
17 director receives it, and who is in charge --
18 -- remind me who the director is of that
19 directorate?

20 A. Robert Jachim.

21 Q. And when Mr. Jachim receives
22 the referral from the Department of Homeland
23 Security, where does the referral go after
24 Mr. Jachim receives it?

25 MS. STROKUS: Objection. Calls for

1 speculation.

2 BY MS. CONLON:

3 Q. I would like to understand the
4 chain of people who are tasked with reviewing a
5 referral from the Department of Homeland
6 Security.

7 So that's just a frame for you. This
8 is what my questions are meant to get at. It
9 comes from the Department of Homeland Security
10 to Mr. Jachim. What is Mr. Jachim's task when
11 he receives it?

12 MS. STROKUS: Objection. Calls for
13 speculation.

14 A. So Homeland Security sends us
15 information. I can't go into what they send
16 us. I mean --

17 MS. STROKUS: Objection.

18 MS. CONLON: Objection to what? It's
19 the witness answering. Let me just level set
20 here by saying we have deposed other people.
21 These objections were not asserted in those
22 depositions, it's obviously you're not bound by
23 that.

24 MS. SAFAVI: Okay. Can we take a
25 break. He just answered the question, right,

1 and you haven't asked the next question.

2 MS. CONLON: No, he didn't he said
3 law enforcement privilege, right --

4 MS. SAFAVI: He indicated that it
5 would be law enforcement privilege, so that's
6 the basis of the objection here. To the extent
7 he can answer --

8 MS. CONLON: The privilege, that's
9 your job. It's not his job to make objections.
10 So --

11 MS. SAFAVI: Yes, our witness brought
12 to -- he brought it up that he cannot answer
13 law enforcement privilege.

14 So I'm calling an objection to your
15 question to the extent he can't answer
16 something that's not privilege that does
17 not include -- to the extent he can't -- he's
18 not going reveal privileged information, he may
19 continue to answer the question or you could
20 rephrase your question.

21 MS. CONLON: I couldn't even tell you
22 what the question is at this point.

23 MS. SAFAVI: Can we take a break?

24 MS. STROKUS: He has to finish
25 answering the question before we break.

1 MS. CONLON: Let me just scroll up
2 and see if there even is a pending question.
3 There may not be. So let me just -- if you
4 give me just one second, I will look.

5 Okay. I'm just going to tell you what
6 it says so we can all be on the same page.

7 I said, [As read] "What is Mr. Jachim's
8 task when he receives a referral from Homeland
9 Security? Ms. Strokus objected calling for
10 speculation.

11 Mr. Wilson said, [As read] "Homeland
12 Security sends us information. I can't go into
13 what they send us." Law enforcement. And then
14 Ms. Strokus objected on the basis of the
15 witness' answer.

16 So I think there is not a pending
17 question at this point because you've objected
18 for law enforcement privilege.

19 So we can go off the record now for
20 everybody, but before we take a -- can I say --
21 once we're off the record, I want to address
22 before we take a break

23 MS. SAFAVI: Yeah, that's fine.

24 MS. CONLON: I just want to make sure
25 we're off the record.

1 THE VIDEOGRAPHER: The time is 11:03
2 and we are off the record.

3 (A break was taken at 11:04 a.m.)

4 THE VIDEOGRAPHER: The time is 11:30
5 and we're back on the record.

6 MS. CONLON: Okay. So before we go
7 back to questions, I just want to -- sorry. I
8 just -- I had eluded during the break off the
9 record to our view of these assertions of law
10 enforcement privilege, and I'd like to put it
11 on the record.

12 At one of the conferences in front of
13 Judge Young, he said, and I quote, "I expect
14 every contemporaneous document that exists up
15 and down the chain of command within the
16 Government bureaucracy that bears on that
17 evidence and that was with respect to evidence
18 of retaliation."

19 He said that he expected for some
20 cooperation from the Government. He directed
21 us to focus on the procedure around revocation.

22 So, you know, that's the basis for this
23 line of questioning. I would also emphasize
24 that there is a protective order in place now.
25 I understand that the Government is seeking to

1 relitigate parts of it, but there is a
2 protective order to protect the kind of
3 information that we're seeking to elicit.

4 I don't want to have to, like, call the
5 Court or make a fuss, and not get this done in
6 the limited time that we have. So just putting
7 that on the table before I attempt to resume
8 some of these questions.

9 If you still have an objection, we will
10 not challenge a standing objection as
11 insufficiently articulated so at least that can
12 help us move along. Okay. Anything you guys
13 want to add?

14 MS. STROKUS: I think we're set.

15 MS. CONLON: Okay.

16 BY MS. CONLON:

17 Q. So a referral comes from the
18 Department of Homeland Security to the
19 Department of State and is initially received
20 by the security and vetting directorate of the
21 Visa office; is that correct?

22 MS. STROKUS: Objection. Form.

23 A. I wouldn't characterize -- to
24 my knowledge I wouldn't characterize these as
25 referrals for revocation.

1 BY MS. CONLON:

2 Q. How would you characterize
3 them?

4 A. The only lists I've seen are
5 lists of Visa holders who have law enforcement
6 infractions.

7 Q. When you say, "lists you've
8 seen", when did you see a list of law -- Visa
9 holders with law enforcement infractions?

10 A. I have on several occasions
11 over the course of -- since I've been in the
12 position, any way.

13 Q. What kinds of law enforcement
14 infractions did the Visa holders on the list
15 that you've seen have?

16 A. They varied.

17 Q. Can you give me some examples?

18 A. Drunk driving.

19 Q. Anything apart from driving
20 under the influence?

21 A. I don't have personal knowledge
22 of it. I wasn't the individual who was looking
23 these up.

24 Q. But you received the list?

25 A. Yes.

1 Q. You reviewed the list?

2 A. No.

3 Q. You received the list and did
4 what with it?

5 A. Opened it up, saw that indeed
6 there were names with law infractions and then
7 forwarded that to the SAC office.

8 Q. Why were you given this list?

9 A. It was a Homeland Security
10 list.

11 Q. But why are you the person who
12 it ws sent to?

13 A. Because I'm the contact for the
14 DHS person who put the list together or his
15 office compiled the list.

16 Q. And which DHS person is that?

17 A. Andrea Watson.

18 Q. You said that you gave a list
19 of Visa holders with law enforcement
20 infractions to the SAC office. What's the SAC
21 office?

22 A. Again, that's SAC.

23 Q. Oh, I keep missing it?

24 A. Right.

25 Q. It's the security and --

1 A. Vetting.

2 Q. And vetting, right. Who in the
3 SAC office did you give the list to?

4 A. I would forward that down to
5 Bob Jachim.

6 Q. Were any of the infractions, if
7 you recall, for anything like obstructing
8 Governmental administration of justice?

9 MS. STROKUS: Objection calls for
10 speculation.

11 A. I can't say.

12 BY MS. CONLON:

13 Q. You don't remember what any of
14 the infractions were except for drunk driving?

15 A. I -- I did not.

16 MS. STROKUS: Objection. Asked and
17 answered.

18 MS. CONLON: Go ahead.

19 A. I did not look at any of the
20 infractions apart from a few that I noticed.
21 Drunk driving was one that stands out. The
22 others I don't -- I'm not aware of.

23 BY MS. CONLON:

24 Q. Only drunk driving stands out?

25 A. Mm-hmm.

1 Q. So Mr. Watson gave you on at
2 least one occasion a list of Visa holders with
3 law enforcement infractions. Did he do that on
4 more than one occasion?

5 MS. STROKUS: Objection. Form.

6 A. He -- his lists were going to
7 the senior bureau official, and the senior
8 bureau official asked me to pass them to the
9 correct authority.

10 BY MS. CONLON:

11 Q. So Mr. Watson gave a list of
12 Visa holders with law enforcement infractions
13 to Mr. Armstrong?

14 A. Correct.

15 Q. Mr. Armstrong asked you to pass
16 it down to Mr. Jachim?

17 A. Correct. He asked me to be the
18 point of contact for Mr. Watson.

19 Q. Okay. What was the impetus for
20 the creation of the list from Mr. Watson, if
21 you know?

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 A. I don't know.

25 BY MS. CONLON:

1 Q. About how many times did that
2 happen?

3 A. Three or four.

4 Q. Do you know whether any of the
5 people on the list were student Visa holders?

6 MS. STROKUS: Objection. Calls for
7 speculation.

8 A. I believe they were, yes.

9 BY MS. CONLON:

10 Q. Were all the people on the list
11 student Visa holders?

12 MS. STROKUS: Objection. Calls for
13 speculation.

14 A. I didn't -- I didn't look at
15 the individuals on the list, so I didn't look
16 at their Visas.

17 BY MS. CONLON:

18 Q. What was your understanding of
19 the collection of people on the list in terms
20 of types of people Visas's that they have?

21 A. That they would --

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 THE COURT REPORTER: I'm sorry. We
25 will have to do one at a time because I cannot

1 get everyone talking all at the same time. Can
2 you say your question again?

3 BY MS. CONLON:

4 Q. What was your understanding of
5 the people on the list in terms of the types of
6 Visas they had?

7 MS. STROKUS: Objection. Calls for
8 speculation.

9 BY MS. CONLON:

10 Q. And you can answer.

11 A. I understood them to be
12 students.

13 BY MS. CONLON:

14 Q. When you say law enforcement
15 infractions, do you mean criminal charges or
16 something else?

17 A. Yes, my understanding is that
18 there were criminal charges.

19 Q. Do you know if there was a name
20 for the initiative that led to the creation of
21 these lists?

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 A. I'm not aware of a name.

25 BY MS. CONLON:

1 Q. Do you know whether colleges or
2 universities contributed to the list?

3 MS. STROKUS: Objection calls for
4 speculation.

5 A. I'm not aware.
6 BY MS. CONLON:

7 Q. Do you know whether the
8 Department of Education contributed to the
9 list?

10 MS. STROKUS: Objection. Form and
11 calls for speculation.

12 A. I'm not aware.
13 BY MS. CONLON:

14 Q. Do you know whether the lists
15 of student Visa holders with law enforcement
16 infractions were provided to colleges or
17 universities.

18 MS. STROKUS: Objection. Calls for
19 speculation.

20 A. I'm not aware.
21 BY MS. CONLON:

22 Q. Earlier you said you wouldn't
23 call what you received from Mr. Watson
24 referrals.

25 Have you received referrals from the

1 Department of Homeland Security?

2 MS. STROKUS: Objection. Form.

3 A. Referrals, I would have to say,
4 no.

5 BY MS. CONLON:

6 Q. Okay. Give me one second.
7 While I'm looking for a document, Mr. Wilson.

8 A. Mm-hmm.

9 Q. What do you call it when the
10 Department of Homeland Security sends you
11 information about a Visa holder and recommends
12 that the State Department revoke that person's
13 Visa; what's that called?

14 MS. STROKUS: Objection. Form.

15 A. Sorry. Repeat one more time,
16 please?

17 BY MS. CONLON:

18 Q. Yes, of course. I said: What
19 do you call it when the Department of Homeland
20 Security sends the State Department information
21 about a Visa holder and recommends that State
22 revoke that person's Visa?

23 A. Well, I was looking at this
24 from the point of view where I'm relaying
25 information from Homeland Security that needs

1 to run through our SAC office to see if those
2 infractions warrant revocations.

3 Q. Okay. But what I'm saying is
4 set aside completely this list of students and
5 their alleged infractions. I understand the
6 term "referral" to mean a package that's sent
7 from the Department of Homeland Security to
8 State about a Visa holder recommending
9 revocation of their Visa.

10 Is that also your understanding of the
11 term "referral" in this context?

12 MS. STROKUS: Objection to form.

13 A. I could say you could call it
14 referral, but we didn't refer to that when we
15 received the list from Andre Watson.

16 BY MS. CONLON:

17 Q. So I'm going to ask you again
18 to set the list aside because I think we're
19 talking about different things.

20 A. Mm-hmm.

21 Q. You're aware that Mr. Armstrong
22 has given deposition testimony in this case,
23 right?

24 A. Mm-hmm.

25 Q. Mr. Armstrong said, [As read]

1 "I know that DAS Wilson has received
2 recommendations, information from DHS as
3 regarding possible revocations as has managing
4 Director Norris."

5 What is the name for that package of
6 information that comes from DHS to you? What
7 do you call that?

8 MS. STROKUS: Objection. Form.
9 Hearsay.

10 A. It would come as an e-mail, and
11 I can't recall how he labeled that. Sorry.

12 BY MS. CONLON:

13 Q. So you've never heard the term
14 referral in your work at -- as referencing a
15 recommendation from DHS to State that a
16 particular person's Visa should be revoked?

17 A. No, I've heard the term, yes.

18 Q. Then I'm not sure where we're
19 misunderstanding each other.

20 When you have received -- well,
21 withdrawn. Is there any term other than
22 referral that I should use that would seem --
23 you know, comport better with your
24 understanding of the process?

25 A. No. I'm sorry. The name was

1 not so essential. We were dealing with a list
2 of the law enforcement infractions.

3 Q. So just to help redirect you to
4 the purpose of this deposition, we are not
5 asking about or even interested in the student
6 list with infractions.

7 We are asking about and interested in
8 revocations recommended by the Department of
9 Homeland Security on the basis of two executive
10 orders that were issued by President Trump this
11 year.

12 An executive order concerning
13 anti-Semitism and an executive order concerning
14 terrorism and national security. So set aside
15 this list of law enforcement --

16 A. I see. I see. I see.

17 Q. So when you received a package
18 from the Department of Homeland Security
19 recommending a Visa revocation on the basis of
20 those executive orders, what is that called?

21 MS. STROKUS: Objection. Form.

22 A. I think you're eluding to the
23 action memo for the Secretary.

24 BY MS. CONLON:

25 Q. Okay. Maybe I am, if that's

1 what you think of it as.

2 Is the action memo something that the
3 State Department compiles for Secretary Rubio?

4 A. Yes.

5 Q. Recommending that Secretary
6 Rubio take a particular action with respect to
7 a specific Visa holder?

8 A. From -- as I understand the
9 process, Homeland Security's information is
10 formed into a recommendation that goes to the
11 Secretary.

12 Q. What is State's role when it
13 receives the recommendation from Homeland
14 Security before it goes to Secretary Rubio?

15 MS. STROKUS: Objection. Calls for
16 speculation.

17 A. To make sure the information is
18 accurate to the best of our knowledge.

19 BY MS. CONLON:

20 Q. And how does the State
21 Department do that?

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 A. We check with law enforcement
25 database.

1 BY MS. CONLON:

2 Q. In a context where the
3 recommendation for revocation is not based on
4 criminal activity, but on something else, how
5 does State verify the information in the
6 referral?

7 MS. STROKUS: Objection. Calls for
8 speculation.

9 A. It depends on the information.

10 BY MS. CONLON:

11 Q. Where the allegation is that a
12 student protester expressed anti-Semitic views,
13 how does the State Department investigate that
14 referral?

15 MS. STROKUS: Objection. Calls for
16 speculation.

17 A. I wouldn't characterize us as
18 investigating that.

19 BY MS. CONLON:

20 Q. What is State's job when it
21 gets that referral?

22 A. To forward the information to
23 the Secretary.

24 Q. Does State -- does anyone in
25 the Visa office do anything other than receive

1 the information from Homeland Security and
2 forward it on to the Secretary?

3 MS. STROKUS: Objection. Calls for
4 speculation.

5 A. I would have to speculate.
6 This is a -- this is a time where I was very
7 new in the job, I think, when we had a few of
8 these cases.

9 BY MS. CONLON:

10 Q. My understanding is that these
11 cases are new as well, so we will take your
12 knowledge, whatever it is.

13 So when State receives a referral from
14 the Department of Homeland Security in this
15 context concerning a student who's engaged in
16 activity that is not unlawful, but may in
17 State's view be a basis for revocation, what
18 does State do with that information before
19 passing it on to the Secretary?

20 MS. STROKUS: Objection. Calls for
21 speculation.

22 A. We write up the case, what we
23 received from Homeland Security and we forward
24 that for a decision.

25 BY MS. CONLON:

1 Q. And when you write it up,
2 that's in an action memo?

3 A. I'm not certain about that.

4 Q. Have you ever been the person
5 to write up something for the Secretary about
6 this?

7 A. I have not.

8 Q. Who actually writes up this
9 report for the Secretary?

10 A. That's typically Bob Jachim.

11 Q. So Bob Jachim in the security
12 and vetting directorate receives the
13 information from Homeland Security and then he
14 passes it directly on to the Secretary --

15 MS. STROKUS: Objection. Form.

16 BY MS. CONLON:

17 Q. -- or Secretary's office?

18 MS. STROKUS: Objection. Form.

19 A. There's a process --

20 BY MS. CONLON:

21 Q. That's what I want to know
22 about. What's the process from when Mr. Jachim
23 gets the information from Homeland Security?

24 A. He passes it to the managing
25 director and to myself for review plus a peer

1 reviewed depending on what the circumstances of
2 the case are.

3 Q. And what does he give you to
4 review?

5 A. A memo.

6 Q. And is that an action memo?

7 A. I believe it's an action memo,
8 yes.

9 Q. Does Mr. Jachim give you or
10 managing director anything other than a memo to
11 review?

12 A. There can be -- I guess, if
13 you're talking about a specific case or --

14 Q. So the answer is it depends on
15 the case?

16 A. Correct.

17 Q. Who writes the memo that Mr.
18 Jachim gives to you to review?

19 A. Bob writes that.

20 Q. When you receive the memo, what
21 do you review it for?

22 A. If the content is correct to
23 the best of my knowledge.

24 Q. How do you determine whether
25 the content is correct?

1 A. If it's what Homeland Security
2 told us.

3 Q. In other words, Mr. Jachim's
4 memo should accurately summarize the
5 information that State received from Homeland
6 Security; is that right?

7 MS. STROKUS: Objection. Form.

8 A. Yes.

9 BY MS. CONLON:

10 Q. Does State have any process for
11 verifying the information provided by Homeland
12 Security --

13 MS. STROKUS: Objection --

14 BY MS. CONLON:

15 Q. -- to Mr. Jachim?

16 MS. STROKUS: Objection. Calls for
17 speculation.

18 A. We have database of our Visas
19 we can check.

20 BY MS. CONLON:

21 Q. A database of your Visas?

22 A. Mm-hmm.

23 Q. What kind of information is
24 contained in the Visa database that you would
25 check to verify the information provided by

1 Homeland Security?

2 MS. STROKUS: Objection. Law
3 enforcement privilege. You can only answer to
4 the extent it does not include privileged
5 information.

6 A. Anything on any previous Visa
7 applications we can see.

8 BY MS. CONLON:

9 Q. Does State obtain from any
10 source other information about the Visa
11 applicant before passing along the information
12 from the Homeland Security to the Secretary?

13 MS. STROKUS: Objection. Same
14 objection. You can answer to the extent that
15 you don't divulge privileged information.

16 A. Right. It's done at the level
17 that I don't see that where it's done.

18 BY MS. CONLON:

19 Q. What level is that done at?

20 A. The same office I referred to,
21 the SAC office.

22 Q. And the SAC office is part of
23 the Visa office?

24 A. Mm-hmm. That's correct.

25 Q. Now, we talked about -- a

1 little bit about the information that State
2 receives from DHS. Does State receive from DHS
3 any of the underlying evidence that DHS
4 reviewed in reaching its recommendation?

5 A. Not to my knowledge, no.

6 Q. When you receive material from
7 Mr. Jachim -- did I get his name right, Jachim?

8 A. Yes.

9 Q. When you receive materials from
10 Mr. Jachim, does he provide you with the
11 materials he received from State or from
12 Homeland Security -- sorry?

13 MS. STROKUS: Objection. Form.

14 A. I don't know how to answer
15 these. They're very rare and I think I saw
16 them earlier on when I was in the job, and I
17 just can't recall.

18 BY MS. CONLON:

19 Q. Around what period of time were
20 you receiving these kinds of referrals from Mr.
21 Jachim?

22 A. March or April.

23 Q. That feels like a distant
24 memory at this point I bet?

25 A. It feels like years ago.

1 Q. What is your understanding of
2 why you were receiving them in March and April?

3 A. Receiving what?

4 Q. These referrals from Mr.
5 Jachim?

6 A. These referrals -- I'm a little
7 confused as to what we're talking about.

8 Q. Sure. I understand you to be
9 saying that in March and April there was a time
10 where you received referrals for revocation for
11 student Visa holders based on noncriminal
12 activity that is described in the executive
13 orders issued by President Trump.

14 And I'm asking you what your
15 understanding is of why you received a increase
16 or influx of these in March and April and it's
17 dropped off since. What's your understanding
18 of the reason for that?

19 MS. STROKUS: Objection. Form and
20 speculative.

21 A. I think there were very few to
22 begin with, and I just don't recall the
23 information that was in them. I'm sorry.

24 BY MS. CONLON:

25 Q. About how many do you think you

1 received?

2 A. I think we discussed this
3 before --

4 Q. I'm sorry. I don't --

5 A. It might be -- I'd say 5.

6 Q. You think you received 5
7 referrals from Homeland Security for the
8 revocations of student Visas for noncriminal
9 activity?

10 MS. STROKUS: Objection. Form.

11 A. No.

12 BY MS. CONLON:

13 Q. Okay. Tell me what I have
14 wrong there?

15 A. My memory, I cannot recall what
16 the names were, what the issues were, why they
17 were revoked, recommended for revocation. This
18 is too new in my tenure.

19 Q. Okay. So you recall that you
20 received approximately 5 referrals from
21 Homeland Security concerning revocations for
22 student Visas, but you don't recall for who or
23 on what basis?

24 MS. STROKUS: Objection. Form.

25 A. I don't believe there were 4

1 student Visas. The ones we're talking about,
2 some were -- there are various reasons why they
3 could be revoked. Gang members, gang members
4 from Haiti, for example, different things.

5 BY MS. CONLON:

6 Q. Just a moment. So the
7 questions I've been asking you were concerning
8 a student engaged in activity that is not
9 unlawful, but in the Government's view might be
10 a basis for revocation.

11 That's -- that's what I'm asking you
12 about. I want to make sure I understand
13 correctly what you've now said.

14 Did you receive recommendations for
15 revocation from Homeland Security for students
16 based on noncriminal activity described in
17 President Trump's executive orders in March and
18 April?

19 A. It's possible.

20 Q. You said that the referrals you
21 received from Mr. Jachim came to you very
22 rarely.

23 How are they different from other
24 packages of information you receive on Visa
25 applicants from Homeland Security?

1 MS. STROKUS: Objection. Form.

2 A. Well, it depends if they
3 were -- if they were for revocations by the
4 Secretary, and he has a special authority
5 depending on what -- what section of the INA
6 we're talking about.

7 BY MS. CONLON:

8 Q. Are you familiar with the
9 section of the INA that gives the Secretary
10 special authority to make a revocation based on
11 a foreign policy in just the United States?

12 A. Yes.

13 Q. And do you understand that --
14 one second.

15 Do you understand that -- actually
16 withdrawn.

17 When we're talking about the provision
18 that gives the Secretary special authority to
19 revoke a Visa based on a foreign policy in just
20 the United States, we are referring to INA
21 Section 212; is that correct?

22 A. That's correct.

23 Q. Which is also codified in US --
24 8 USC 1182, correct?

25 A. I believe so.

1 Q. Is this policy internally
2 referred to in the State Department as a 3C
3 policy or is that something different?

4 MS. STROKUS: Objection. Calls for a
5 legal conclusion.

6 BY MS. CONLON:

7 Q. What do you understand the 3C
8 policy of the State Department to refer to?

9 A. 3C policy I understand to be
10 several different -- actually quite a few
11 different baskets, if you will.

12 Q. Tell me about the baskets?

13 MS. STROKUS: Objection. Form.

14 A. I can tell you that it's very
15 complicated, and that I consult with colleagues
16 when I have to go through them.

17 BY MS. CONLON:

18 Q. Is there a 3C policy
19 concerning -- is there a 3C policy concerning
20 the Secretary's special authority to revoke on
21 the basis of foreign policy concerns of the
22 United States?

23 MS. STROKUS: Objection. Calls for
24 speculation.

25 A. I believe so, yes.

1 BY MS. CONLON:

2 Q. Are there any 3C policies that
3 were issued in response to -- well, withdrawn.

4 To make sure we're talking at the same
5 thing, you're familiar with the executive
6 orders issued by President Trump concerning
7 Visas and Visa revocations, right?

8 A. Yes.

9 Q. And you are specifically
10 familiar with Executive Order 14161?

11 A. Yes.

12 Q. And 14188, right?

13 A. Yes.

14 Q. Are there any 3C policies that
15 have been issued in response to either of those
16 executive orders?

17 MS. STROKUS: Objection. Calls for
18 speculation.

19 A. There are, I believe.

20 Q. Sorry. I wasn't sure if you
21 were finished with your answer.

22 A. Right. I was -- it's
23 complicated. I would not be able to summarize
24 right now.

25 BY MS. CONLON:

1 Q. Okay. When a 3C policy is
2 developed, where is it memorialized?

3 A. Our legal team puts them
4 together.

5 Q. And how do they provide it to
6 you after they have put it together?

7 A. They send us their opinion,
8 their guidance. I'm not sure of the other ways
9 to do it.

10 Q. And after receiving their
11 guidance, how does their guidance get
12 transmitted to the people who have to implement
13 the policy?

14 MS. STROKUS: Objection. Form.

15 A. I know we have several
16 different ways we can send cables out to the
17 field or we can do webinars and such for
18 sharing the new information.

19 BY MS. CONLON:

20 Q. Apart from cables and webinars,
21 is there any other method for conveying a 3C
22 policy to members of the State Department?

23 A. Changed FAM.

24 THE COURT REPORTER: Changed --

25 A. FAM, Foreign Affairs Manual.

1 BY MS. CONLON:

2 Q. Apart from cables, webinars and
3 changes to the Foreign Affairs Manual, is there
4 any other method for conveying a 3C policy to
5 members of the State Department?

6 A. That's all that come to mind at
7 the moment.

8 Q. I understand you to be saying
9 that legal advisors to the State Department may
10 help develop the 3C policy. Who approves the
11 3C policy?

12 MS. STROKUS: Objection. Form.

13 A. Approves a 3C policy?

14 MS. STROKUS: Also calls for
15 speculation.

16 A. Right. I can't say.

17 BY MS. CONLON:

18 Q. Have you ever approved a 3C
19 policy?

20 A. A policy? I remember a
21 discussion of one very little. I don't recall
22 if I was actually signing off on that or not.

23 Q. When you say "signing off," are
24 you referring to the clearance process?

25 A. Correct.

1 Q. Does the Visa office
2 participate in the clearance process for 3C
3 policies?

4 A. Yes.

5 Q. Who from the Visa office does
6 the clearing for the office on a 3C policy?

7 A. For the Visa office typically
8 that would be me or my position, I should say.

9 Q. Okay. And have you -- what 3C
10 policies, if any, have you cleared since
11 starting your role?

12 A. Gosh, I don't recall any. I'm
13 sorry. I can't recall at the moment.

14 Q. Have you approved any 3C
15 policies relating to anti-Semitism?

16 MS. STROKUS: Objection. Asked and
17 answered and --

18 A. No, I can't recall if I was the
19 approver.

20 BY MS. CONLON:

21 Q. Are you aware of any 3C
22 policies relating to anti-Semitism?

23 A. I'm aware that there is one.

24 Q. Can you describe it?

25 MS. STROKUS: Objection.

1 Speculation.

2 A. I cannot.

3 BY MS. CONLON:

4 Q. Who developed the 3C policy on
5 anti-Semitism?

6 MS. STROKUS: Objection.

7 Speculation.

8 A. I don't know. The date would
9 be helpful. I probably wasn't in the office.

10 BY MS. CONLON:

11 Q. Are you aware of whether a 3C
12 policy relating to anti-Semitism has been
13 issued since you joined the office?

14 A. I believe we have one, yes.

15 Q. When approximately was that one
16 issued?

17 A. March perhaps, speculation.

18 Q. Letting me know that you're
19 approximating?

20 A. Yes.

21 Q. Have you consulted the March
22 approximately 3C policy on anti-Semitism in
23 making -- in reviewing action memos on
24 particular Visa applicants?

25 A. I must have, yes.

1 Q. Do you know whether the 3C
2 policy relating to anti-Semitism issued around
3 March is a public document?

4 A. No.

5 Q. Where is that policy reduced to
6 writing?

7 A. Initially we have a cable that
8 goes out to the field.

9 Q. Have you seen the cable that
10 went out to the field concerning the 3C policy
11 on anti-Semitism for March?

12 A. I don't recall but I likely
13 would have, yes.

14 Q. Did you contribute to the
15 content of that cable?

16 MS. STROKUS: Objection. Asked and
17 answered.

18 A. I did not.

19 BY MS. CONLON:

20 Q. Did you contribute to the
21 content of that cable?

22 A. I did not contribute to the
23 content. I may have cleared it though.

24 Q. Do you know who did contribute
25 to the content for the cable on the 3C policy

1 on anti-Semitism developed in March?

2 A. I couldn't say with certainty,
3 no.

4 Q. The 3C policy on anti-Semitism
5 from March was developed -- was it developed in
6 response to E.O. 14188 on combatting
7 anti-Semitism?

8 MS. STROKUS: Objection. Calls for
9 speculation.

10 A. My understanding, yes.

11 BY MS. CONLON:

12 Q. Do you know who within State
13 was tasked with managing the Department's
14 response to E.O. 14188?

15 A. I do not.

16 Q. Who from the Visa office was
17 responsible for developing a response to E.O.
18 14188?

19 A. I can't identify a particular
20 person.

21 Q. Were you part of developing a
22 response to E.O. 14188 for the Visa office?

23 A. I was not actively involved in
24 that.

25 Q. Who was actively involved?

1 A. Well, like I say, I may have
2 cleared that document. I can speculate who it
3 might be.

4 Q. It would be helpful -- and I'm
5 not asking about names really to understand
6 which functions were involved.

7 MS. STROKUS: Objection. Form.

8 A. Typically this would be a
9 managing director. These questions you're
10 asking are of that level and knowledge and in
11 particular at the time where I was coming
12 onboard, I was not present in the office much,
13 just with moving in and trips that I had to
14 make outside of the office, so that explains
15 why it's a little confusion.

16 BY MS. CONLON:

17 Q. What took you outside the
18 office when you were first starting in your
19 role?

20 A. I was there on temporary orders
21 only. I had to return to Moscow.

22 Q. Oh, you did?

23 A. Yes.

24 Q. When did you return to Moscow?

25 Approximately is fine.

1 A. That would have been April.

2 Late April, early May.

3 Q. And when did you come back from
4 Moscow?

5 A. May 2nd.

6 Q. You were just back, relatively
7 speaking.

8 A. Yes. I was also in Seoul and I
9 had to go to Korea.

10 Q. When was that?

11 A. A month ago about.

12 Q. And how long were you there
13 for?

14 A. A week, 10 days.

15 Q. When you are traveling out of
16 the country, is there someone who covers your
17 post in state?

18 A. Jessica Norris.

19 Q. I see. Do you know whether Ms.
20 Norris was in her role before you were in
21 yours?

22 A. Yes.

23 Q. Do you have any sense of how
24 long she's been in her role?

25 A. I believe she been there since

1 last summer.

2 Q. We'll get to the cable in a
3 moment about anti-Semitism, but are you aware
4 of any 3C policies issued since you took over
5 your role relating to the other E.O. we talked
6 about, 14161, on foreign terrorist
7 organizations and like.

8 A. Foreign terrorist organizations
9 yes, there is one on that.

10 Q. Were you involved in developing
11 the 3C policy that is responsive to E.O. 14161?

12 A. I didn't contribute actively to
13 the creation of any of these policies.

14 Q. Have you reviewed that policy?

15 A. I know that I've read it. So
16 it's possible I cleared it.

17 Q. Have you ever consulted a 3C
18 policy developed in response to E.O. 14161 when
19 reviewing an action memo on a Visa applicant?

20 A. Well, if I'm reviewing a memo,
21 I would make sure that it conformed with that
22 policy. Excuse me.

23 Q. Do you know who helped to
24 develop the 3C policy that is responsive to
25 E.O. 14161?

1 MS. STROKUS: Objection. Calls for
2 speculation.

3 A. It would be several different
4 people I mention all falling under Jessica
5 Norris.

6 BY MS. CONLON:

7 Q. Did you clear that policy?

8 A. I may have.

9 Q. Do you know approximately when
10 that policy was issued?

11 A. I do not.

12 Q. Some time in March?

13 MS. STROKUS: Objection. Calls for
14 speculation.

15 A. I don't know.

16 BY MS. CONLON:

17 Q. Do you know whether it was
18 issued in the last two weeks?

19 MS. STROKUS: Objection. Calls for
20 speculation.

21 A. It was not.

22 BY MS. CONLON:

23 Q. It was not. It was issued some
24 time before the last two weeks, correct?

25 MS. STROKUS: Objection. Calls for

1 speculation. Form.

2 A. You're talking about the 3C
3 policy, correct?

4 BY MS. CONLON:

5 Q. Yes, sir. The 3C policy that
6 is responsive to E.O. 14161.

7 MS. STROKUS: Objection. Form.

8 A. Much earlier.

9 BY MS. CONLON:

10 Q. Early in your tenure at the
11 State Department, correct ?

12 A. Uh-huh.

13 Q. That was a "yes", just for the
14 record for Ms. Henderson. Was that a yes? I
15 heard a uh-huh but I'm just clarifying the
16 record.

17 A. Oh, pardon. Yes.

18 Q. Have you seen any 3C policies
19 issued in response to either E.O. 14161 or
20 14188 concerning Israel or Palestine?

21 MS. STROKUS: Objection. Calls for
22 speculation.

23 A. I believe there is one which I
24 went through.

25 BY MS. CONLON:

1 Q. Do you know when that 3C policy
2 concerning Israel or Palestine was issued?

3 A. I do not. You'll have to
4 forgive me for the timeline.

5 Q. That's okay. And I'm not
6 looking for specific dates. Was it issued
7 early in your time in your role?

8 MS. STROKUS: Objection. Calls for
9 speculation.

10 A. It could have been or like I
11 said, it could have been when I returned from
12 abroad or was going. It's hard to say. It's
13 very confusing those few months.

14 BY MS. CONLON:

15 Q. Was it issued -- can you tell
16 me whether it was issued at least some time
17 before the month of June that we are in now?

18 MS. STROKUS: Objection. Calls for
19 speculation.

20 A. Oh, yes.

21 BY MS. CONLON:

22 Q. Do you recall the content of
23 the 3C policy relating to Israel or Palestine
24 issued in response to the executive orders?

25 A. I do not recall specifically

1 what's in it.

2 Q. Do you know who helped to
3 develop it?

4 A. Yes. Certainly that would be
5 Jessica.

6 Q. And any idea who apart from Ms.
7 Norris helped to develop that 3C policy?

8 A. That 3C policy -- no.

9 Q. Do you know where the 3C policy
10 concerning Israel and Palestine issued in
11 response to the executive orders is
12 memorialized?

13 MS. STROKUS: Objection. Calls for
14 speculation.

15 A. No.

16 BY MS. CONLON:

17 Q. Have you seen any cables
18 concerning that 3C policy?

19 A. Yes.

20 Q. How many?

21 A. Gosh, I don't know.

22 Q. More than one?

23 MS. STROKUS: Objection. Calls for
24 speculation.

25 A. I don't know if it's been more

1 than one.

2 BY MS. CONLON:

3 Q. Have you seen any cables
4 concerning the 3C policy responsive to E.O.
5 14161?

6 MS. STROKUS: Objection. Form.

7 A. No. Again, it's very much a
8 blur. I apologize.

9 BY MS. CONLON:

10 Q. That's okay. What is generally
11 the purpose of a 3C policy for the State
12 Department? Why is it issued?

13 A. A 3C policy is a method for
14 allowing the Secretary to control more of the
15 foreign policy.

16 Q. Does a 3C policy separate
17 guidance or how to apply INA 212?

18 MS. STROKUS: Objection. Form.

19 A. Yes, it can.

20 MS. CONLON: Because we don't have
21 those policies for me to show you, I'm going to
22 talk about them quickly. So this question is
23 with respect to 3C policies regarding executive
24 orders 14161, 14188.

25 BY MS. CONLON:

1 Q. Do any of those 3C policies set
2 forth guidance about how to implement the
3 executive orders?

4 MS. STROKUS: Objection. Calls for
5 speculation.

6 A. My understanding, yes.

7 BY MS. CONLON:

8 Q. Do any of the 3C policies set
9 forth guidance about how to define the terms in
10 the executive orders?

11 MS. STROKUS: Objection. Calls for
12 speculation.

13 A. Yes. They are related directly
14 to the executive orders is my understanding.

15 BY MS. CONLON:

16 Q. Do you have any idea overall
17 approximately how many 3C policies have been
18 issued in response to the two executive orders?

19 A. I do not have a sense.

20 Q. We have talked so far about a
21 3C policy on anti-Semitism, a 3C policy on
22 Israel or Palestine and a 3C policy regarding
23 advocacy or support for foreign terrorist
24 organizations.

25 Can you think of any other 3C policies

1 issued in response to the two executive orders?

2 MS. STROKUS: Objection. Form.

3 A. Yes, there is a policy -- 3C
4 policy aimed at human trafficking.

5 BY MS. CONLON:

6 Q. And that was issued in response
7 to one of the two executive orders?

8 A. 14161, I believe.

9 Q. Can you think of any other 3C
10 policies issued in response to either order?

11 A. I cannot right off, no.

12 Q. In the 3C policies issued in
13 response to the two executive orders, is there
14 a description of the foreign policy of the
15 United States?

16 MS. STROKUS: Objection. Calls for
17 speculation, also form.

18 A. I can't say.

19 BY MS. CONLON:

20 Q. I've asked you about 3C
21 policies concerning Israel and Palestine; have
22 you seen any 3C policy that specifically
23 mentions Hamas?

24 A. That's difficult. I can't say
25 for certain that Hamas has been referred to

1 directly.

2 Q. Is that difficult -- why is
3 that -- why is it difficult to recall that?

4 MS. STROKUS: Objection. Form.

5 A. Because I don't remember what
6 was in the text and I see lots of text, so it's
7 difficult to remember which is which.

8 BY MS. CONLON:

9 Q. Do you recall any 3C policies
10 regarding student protesters?

11 A. Yes.

12 Q. Does the 3C policy issued in
13 response to the executive orders concerning
14 Israel and Palestine also address student
15 protesters?

16 MS. STROKUS: Objection. Form.

17 A. I believe support for terrorist
18 groups is mentioned.

19 BY MS. CONLON:

20 Q. In other words, the 3C policy
21 that mentions Israel and Palestine is
22 responsive to the E.O. 14161; is that correct?

23 MS. STROKUS: Objection. Form.

24 Calls for speculation.

25 A. I would have to look at those

1 two again.

2 MS. CONLON: So I will tell you, I
3 don't have them, and I will discuss with the
4 Government whether we can get them and show
5 them to you because I don't like asking you
6 without putting stuff in front of you but we
7 have not received them.

8 THE WITNESS: Fair. Fair.

9 BY MS. CONLON:

10 Q. Do you recall whether any of
11 the 3C policies reference anti-American
12 activities or views?

13 MS. STROKUS: Objection. Form.

14 A. I'm feeling pretty certain they
15 did.

16 BY MS. CONLON:

17 Q. We talked about one way 3C
18 policies can be memorialized is in cables and
19 we'll get to cables in a second. You also
20 mentioned changes to the Foreign Affairs
21 Manual.

22 A. Correct.

23 Q. Do you have any involvement in
24 changes made to the Foreign Affairs Manual?

25 A. I do not.

1 Q. Who to your understanding does?

2 A. I understand this to be in
3 collaboration with the legal team LCA we call
4 the office. It could be a variety of different
5 people depending on the subject. 3C could be
6 Bob Jachim, Jessica Norris.

7 Q. Do you review proposed changes
8 to the Foreign Affairs Manual concerning 3C
9 policies before they are actually implemented?

10 A. I have not yet, but I can.

11 Q. And that's not something you
12 are asked to clear in your role?

13 A. I have not to date, no.

14 Q. Are you aware of whether there
15 have been changes made to the Foreign Affairs
16 Manual on the basis of 3C policies issued in
17 response to the two executive orders?

18 A. I believe so.

19 Q. Any idea how many provisions of
20 the FAM have changed as a result?

21 MS. STROKUS: Objection. Calls for
22 speculation.

23 A. I wouldn't be able to say.

24 BY MS. CONLON:

25 Q. Do you consult the FAM in

1 reviewing an action memo about a particular
2 Visa applicant relating to 3C policy?

3 A. I have not but it's an option
4 available.

5 Q. We talked about webinars for a
6 minute. Have you delivered any webinars
7 concerning a 3C policy developed in response to
8 either of the executive orders?

9 A. I have not personally, no.

10 Q. Have you observed any performed
11 by somebody else?

12 A. We've done several, and I
13 believe one was related to 3C, at least one. I
14 don't remember the content which makes me think
15 I wasn't there for it.

16 Q. Do you know -- withdrawn. Is
17 there a particular person in the Visa office
18 responsible for developing webinars on new 3C
19 policies?

20 A. It would be -- right, it would
21 be collaboration which is usually the case in
22 developing these things. Again, it's the usual
23 legal office, we'd have legal input, we would
24 have the security and vetting office would
25 contribute to that and of course the managing

1 director would contribute to that.

2 Q. Would you contribute to that?

3 A. Typically, no, I have not.

4 Q. Would you review it before it
5 was delivered or published to employees of the
6 State Department?

7 A. For the webinar, not
8 necessarily, no, usually I'm watching it live
9 when I've seen them.

10 Q. You said you believe there have
11 been several concerning 3C policies responsive
12 to the two executive orders; is that correct?

13 MS. STROKUS: Objection. Form.

14 A. Yeah, that's just my memory
15 approximately.

16 BY MS. CONLON:

17 Q. Have you seen more than one?

18 A. 3C policies?

19 Q. Have you seen more than one
20 webinar --

21 A. Oh, webinar.

22 Q. -- concerning 3C policies
23 responsive to the two executive orders?

24 A. I can't say.

25 Q. Just a minute.

1 MS. SAFAVI: Is now a good time to
2 break?

3 MS. STROKUS: Can we ask if now is a
4 good time to break or do you have a few more
5 minutes of questions.

6 MS. CONLON: I was thinking of
7 getting out a document. I think better to,
8 like, take a break now before we switch gears.
9 That would be great.

10 THE VIDEOGRAPHER: Off the record.

11 MS. CONLON: Can we stay on the
12 record for one moment. Could we excuse Mr.
13 Wilson for just one second so that we can speak
14 to you on the record.

15 MS. STROKUS: Sure.

16 MR. WILKENS: We just don't need to
17 have legal argument in front of the witness.

18 MS. CONLON: Sorry for kicking you
19 out, Mr. Wilson. We just need one minute with
20 your lawyers.

21 (Witness excused.)

22 MS. CONLON: I'm just going to make
23 our record and then if you want a break before
24 you respond, that's fine, but what I wanted to
25 say is that we want the 3C policies that we

1 have been asking Mr. Wilson about that appear
2 to me to be directly relevant to the discovery
3 that Judge Young discussed in status
4 conferences and that we sought in our request
5 for production which we have -- and to my
6 knowledge, nothing we have received reflects
7 what Mr. Wilson is talking about. So we are
8 asking for them.

9 We're asking that you make them
10 available to us today so we can review them
11 with him. Thursday is also fine, since we're
12 coming back then and I appreciate that you'll,
13 I'm sure, need to discuss this with your
14 colleagues, but we'd like the chance to ask him
15 about them. We don't want to receive them
16 after we can't speak to him about it anymore.
17 So I want to put that on the record.

18 MR. WILKENS: Can we just add one
19 thing to that.

20 MS. SAFAVI: Of course.

21 MR. WILKENS: We need to know the
22 answer to whether you're going to produce them
23 today because if you're not going to, I think
24 we're going to have to move to compel
25 immediately because of the trial coming up. We

1 can't just wait to find out Wednesday. So if
2 you can please get back to us because these
3 items are, I mean, maybe the most relevant
4 items and they should have been produced a long
5 time ago and yeah, it's very troubling.

6 MS. CONLON: Just relatedly he
7 mentioned cables communicating 3C policies, we
8 have received certain cables. The cables we
9 have received all make references to ref A, ref
10 B, ref C listing at the beginning of the cable
11 other cables, and the cables we received
12 discussed the implementation of or revisions to
13 those cables which, based on the content of
14 what we have, appear to refer to this two 3C
15 policies.

16 So we don't -- in other words, it's my
17 understanding that we do not have all of the
18 relevant cables, including those he just
19 discussed. I'm going to get into cables with
20 him so we can have a clear understanding of
21 what we do and don't have, but I want to flag
22 that for you now. Our view is that those are
23 essential, they are communicating guidance of
24 how to implement these policies, so we also
25 would like the cables.

1 MS. STROKUS: And just to clarify,
2 you mean the cables that are referenced and the
3 cables that you already have.

4 MS. CONLON: Both the cables that are
5 referenced and cables we already have but also
6 cables he's discussing to the extent that they
7 are not the same as those, right, like, I can't
8 know because I haven't seen the ones I don't
9 have. So you can know and I cannot, but the
10 cables that Mr. Wilson is talking about and
11 also the cables referenced in the cables we've
12 received, yes.

13 And then lastly, he has mentioned
14 updates to the Foreign Affairs Manual. I'm
15 going to go through some sections of the
16 Foreign Affairs Manual with him. We have not
17 received any of the Foreign Affairs Manual from
18 all of you but have looked online to the extent
19 it's public but have noticed of course there
20 are revisions from 2025 from the past two
21 months that are not public. To the extent that
22 they relate to the allegations in the
23 complaint, we also are asking for those.

24 MS. SAFAVI: Anything else?

25 MS. CONLON: (Inaudible) Christmas.

1 To the extent that there are privilege concerns
2 or other sensitivities, we would be open to
3 receiving things on an AEO basis, particularly
4 if that would expedite your ability to provide
5 them to us. So I will note that as well.

6 Okay. That's it. That was our record. So you
7 know what, how long would you like to break
8 for? And how long --

9 MS. SAFAVI: For lunch?

10 MS. CONLON: -- do you think Mr.
11 Wilson would like to break for?

12 MS. SAFAVI: 45 minutes.

13 MR. WILKENS: I don't know if you
14 saw, I sent you all an e-mail. If you don't --
15 it's 102. You can order food to be delivered
16 here on the fourth floor, elevator. So yeah, I
17 mean you have a break out room, so that might
18 be -- I don't know how long it will take but it
19 might be better than --

20 MS. STROKUS: That would be ideal
21 because it's about 100 degrees outside.

22 MS. CONLON: Ms. Henderson, we can be
23 off the record for this.

24 MR. WILKENS: Oh, sorry. We're still
25 on.

1 THE VIDEOGRAPHER: The time is 12:29
2 and we are off the record.

3 (A break was taken at 12:29 p.m.)

4 THE VIDEOGRAPHER: The time is 13:49
5 and we're back on the record.

6 BY MS. CONLON:

7 Q. Good afternoon. Okay. So we
8 have been talking about policies relating to
9 Visa revocations. Are you familiar at all with
10 policies relating to determinations of
11 removability for lawful permanent residents
12 based on foreign policy concerns?

13 A. No.

14 Q. Have you ever heard of a 4C
15 policy?

16 A. I've heard of 4C policy, yeah.

17 THE COURT REPORTER: I'm sorry. 4 --

18 MS. CONLON: C.

19 THE WITNESS: C.

20 BY MS. CONLON:

21 Q. What do you understand that to
22 refer to?

23 A. 4C my understanding is that it
24 refers to the secretary's authority to remove
25 an individual based on foreign policy concerns.

1 Q. And do you understand 4C to
2 extend the Secretary's authority to the removal
3 of lawful permanent residents for foreign
4 policy concerns?

5 A. I don't -- that's Homeland
6 Security issue on that side. We don't dive
7 into it.

8 Q. Is it your testimony that the
9 Visa office does not receive referrals from
10 Homeland Security recommending the -- a
11 determination of removability for a lawful
12 permanent resident on the basis of foreign
13 policy concerns?

14 MS. STROKUS: Objection. Form.

15 A. I would not be able to say with
16 certainty.

17 BY MS. CONLON:

18 Q. Just a minute. Just for
19 clarity, have any of the cases that have been
20 referred to the Visa office in the time you've
21 been there from the Department of Homeland
22 Security involve lawful permanent residents?

23 MS. STROKUS: Objection. Form.
24 Speculation.

25 A. Yes, there was. There was a

1 case relating to an individual who was a legal
2 permanent resident.

3 BY MS. CONLON:

4 Q. You can recall only a single
5 case?

6 A. There may have been others. I
7 recall one.

8 Q. What case do you recall?

9 A. I don't remember the name.
10 Someone associated with a university.

11 Q. A student who was a lawful
12 permanent resident?

13 A. I believe so, yes.

14 Q. Was the student make Mahmoud
15 Khalil?

16 MS. STROKUS: Objection. Calls for
17 speculation.

18 A. I believe it was, yes.

19 BY MS. CONLON:

20 Q. At least with respect to Mr.
21 Khalil, the State Department received a
22 referral from Homeland Security recommending a
23 removability determination be made by Secretary
24 Rubio; is that correct?

25 MS. STROKUS: Objection. Form.

1 Calls for speculation.

2 A. I'm not sure how that
3 transpired between Homeland Security and the
4 State.

5 BY MS. CONLON:

6 Q. Have you had any involvement at
7 all in Mr. Khalil's case?

8 A. I don't recall. I do remember
9 seeing the case.

10 Q. In what context did you see it?

11 A. I remember seeing the name and
12 that there was a question about the authority
13 for LPR status with the -- whereas it relates
14 to the Secretary, and I don't know what the
15 resolution of that was.

16 Q. What was the question?

17 A. That it fell within the
18 Homeland Security Department.

19 Q. In other words, who has the
20 authority to make the determination of
21 removability for a lawful permanent resident?

22 MS. STROKUS: Objection. Form.

23 A. I can't say for certain.

24 BY MS. CONLON:

25 Q. What was the -- withdrawn. You

1 said you remember seeing his name. Did you see
2 his name on a list of other names?

3 A. I believe I saw his name in a
4 memo for the Secretary.

5 Q. Was it an action memo?

6 A. It may have been.

7 Q. Who gave you the memo?

8 A. I think I saw it electronically
9 as it was being worked on.

10 Q. And do you recall who provided
11 it to you electronically?

12 A. No, I don't think it was
13 attributed to one individual, it was a shared
14 document.

15 Q. Do you know who else in the
16 Visa office worked on it?

17 A. I know it went to -- I believe
18 it went to our senior bureau official.

19 Q. Do you know who worked on it
20 before it went to Mr. Armstrong?

21 A. I do not.

22 Q. It was not you?

23 A. It was not me.

24 Q. Do you recall the
25 recommendation from the Department of Homeland

1 Security with respect to Mr. Khalil?

2 MS. STROKUS: Objection. Calls for
3 speculation.

4 A. I remember very little details
5 about the case.

6 BY MS. CONLON:

7 Q. What do you recall?

8 A. I recall that Mr. Khalil was a
9 legal permanent resident, I think a former
10 student and if I'm not mistaken, he had an
11 American citizen wife or permanent resident
12 wife.

13 Q. Do you recall anything else
14 about it?

15 A. I do not.

16 Q. Do you recall why it was
17 referred to State Department if it's something
18 ordinarily handled by Homeland Security?

19 MS. STROKUS: Objection. Calls for
20 speculation.

21 A. I do not recall reading the
22 direct purpose, no.

23 BY MS. CONLON:

24 Q. What's your understanding of
25 why it was being referred to the State

1 Department?

2 MS. STROKUS: Objection. Calls for
3 speculation.

4 A. Speculating -- well, I can say
5 for certain it was a foreign policy concern of
6 the Secretary.

7 Q. That Mr. Khalil's case was
8 being referred to state -- to raise foreign
9 policy concerns to Secretary Rubio; is that
10 correct?

11 MS. STROKUS: Objection. Form.

12 A. Sorry. I didn't understand.

13 BY MS. CONLON:

14 Q. Your understanding is that Mr.
15 Khalil's case was referred to the State
16 Department because of foreign policy concerns
17 that needed to be raised to Secretary Rubio; is
18 that correct?

19 A. I don't know if it was that
20 direction that we were raising it to Secretary
21 Rubio or if it was something Secretary Rubio
22 had suggested, I don't know.

23 Q. I see. Do you know for sure
24 that Mr. Khalil's case was brought to the
25 attention of the State Department by Homeland

1 Security?

2 MS. STROKUS: Objection. Calls for
3 speculation.

4 A. I can't recall the details.
5 I'm sorry.

6 BY MS. CONLON:

7 Q. That's okay. If you recall,
8 was Mr. Khalil's case one of the cases brought
9 down by the 7th floor?

10 MS. STROKUS: Objection. Calls for
11 speculation.

12 A. I do not know where it
13 originated.

14 BY MS. CONLON:

15 Q. So you are aware of Mr.
16 Khalil's case as an example of State
17 Department's involvement in a removability
18 determination for a lawful permanent resident.
19 Do you have any reason to believe that Mr.
20 Khalil's the only lawful permanent resident
21 that the State has had involvement with in this
22 way?

23 MS. STROKUS: Objection. Form.

24 A. Not sure how to answer that.
25 Am I aware of any other cases that are --

1 involve legal permanent residents?

2 BY MS. CONLON:

3 Q. Well, that's part one. Are you
4 aware?

5 A. I'm not, no.

6 Q. Is there anything about his
7 case that you're aware of that would explain
8 why it was referred to State as opposed to all
9 other cases of other lawful permanent
10 residents?

11 A. You know, I don't know why it
12 was referred to the Secretary. I know that it
13 was a concern someone at some point in the
14 process considered it to be a concern. And
15 unfortunately, that's about all I can say.

16 Q. Do you know whether the process
17 was any different on State side for assessing
18 Mr. Khalil's situation than it is in the
19 ordinary course for assessing a Visa holder's
20 situation?

21 MS. STROKUS: Objection. Calls for
22 speculation.

23 A. To my knowledge, the 4C
24 authority is consistent with how it originally
25 was intended.

1 BY MS. CONLON:

2 Q. In other words, 4C is like the
3 3C equivalent but for lawful permanent
4 residents?

5 MS. STROKUS: Objection. Form.
6 Calls for speculation.

7 A. No. It's -- I'm not a lawyer.
8 It's a different authority my understanding is.

9 BY MS. CONLON:

10 Q. Sorry. Were you involved in
11 clearing the decision for Mr. Khalil?

12 MS. STROKUS: Objection. Speculation
13 and form.

14 A. I may have been. It was a
15 shared document that I saw.

16 BY MS. CONLON:

17 Q. And the document that you saw,
18 was that the referral from Homeland Security or
19 a report of action -- action report for
20 Secretary Rubio?

21 A. I can't say for certain.

22 Q. Sticking with 4C for a moment.
23 We talked about 3C policies created in response
24 to executive orders 14161 and 14188. Do you
25 know whether any 4C policies have been created

1 in response those executive orders?

2 A. None to my knowledge, and if I
3 may, I thought considerably on the 3C issue.
4 The only 3C policy I'm certain that was done
5 during my time is the 3C policy that was
6 related to illegal trafficking and illegal
7 immigration.

8 And the other we talked about -- we
9 talked about Hamas, and I believe I'm getting
10 this information from the designation of
11 terrorist organizations. The administration
12 was very active on that with different ones in
13 Mexico and in Haiti, and there was a
14 designation of two Haitian gangs that I was
15 part of clearing that process, and I would just
16 like to clarify.

17 Q. Okay. I guess I want to think
18 about what you have just said. You have said
19 the only 3C policy I'm certain that was done
20 during my time is the 3C policy related to
21 illegal trafficking; is that correct?

22 A. That's correct. It's a 3C
23 policy.

24 Q. So the other 3C policies we
25 discussed you are not certain of when they were

1 enacted; is that correct?

2 A. There were no others to my
3 knowledge. There were discussions of making
4 policies and how to react on the executive
5 orders, but looking back at it, I don't see
6 that there's anything that was finalized or
7 even got high enough to be at a decision point.

8 Q. What has altered your
9 recollection in the last hour and a half when
10 we were on break?

11 A. I checked state.gov to see the
12 records.

13 Q. You're saying you looked at a
14 public website and that affected your view of
15 whether a policy existed within the State
16 Department?

17 A. That's correct.

18 Q. In your experience, are 3C
19 policies published to the state.gov website?

20 A. I'm not aware of one.

21 Q. Right. In fact, there's never
22 been a 3C policy published on the state.gov
23 website, correct?

24 MS. STROKUS: Objection. Calls for
25 speculation.

1 A. I don't know.

2 BY MS. CONLON:

3 Q. What else did you do to refresh
4 your recollection that has led to this change
5 in your testimony in the last 90 minutes
6 besides look at the state.gov website?

7 A. I look at that website only.

8 Q. Did you speak with anyone who
9 you work with who is not a lawyer?

10 A. No. For the record, I sat in
11 the back room there and didn't go out for lunch
12 or anything.

13 MS. CONLON: I'm sorry to hear that,
14 although it's pretty gross outside.

15 BY MS. CONLON:

16 Q. Now, you have had to yourself
17 make determinations about a Visa revocation on
18 the basis of these executive orders and to
19 review decisions made by other people on that
20 basis. And you've testified that you've done
21 so by consulting 3C policies; was that
22 incorrect?

23 MS. STROKUS: Objection. Form.
24 Mischaracterization of testimony.

25 BY MS. CONLON:

1 Q. I can read it back to you but
2 that is my recollection of your testimony, Mr.
3 Wilson so --

4 A. I think what I mean here is
5 that any 3C policy that related to a case I was
6 working on, I would review the policy.

7 Q. Right. And so when you have
8 reviewed cases relating to the topics we've
9 discussed; student protesters, anti-Israel
10 Semitism, proPalestinian sentiment, even just
11 sticking with these three topics, I suppose,
12 what 3C policy did you review?

13 MS. STROKUS: Objection. Form.

14 A. I don't believe I've dealt with
15 any student protesters.

16 BY MS. CONLON:

17 Q. You have not received a single
18 referral from the Department of Homeland
19 Security or the 7th floor concerning the
20 student protester for a Visa revocation; is
21 that your testimony?

22 A. If I can ask --

23 MS. STROKUS: Object to form.

24 A. If I could ask for
25 clarification. Are you asking me if someone

1 was revoked because they were a protester or
2 are you asking where they happen to be a
3 protester.

4 BY MS. CONLON:

5 Q. I'm not asking you for any
6 causal characterization. I'm asking whether
7 you have received any referrals for a person
8 who was a student protester either from the 7th
9 floor or the Department of Homeland Security in
10 your time, in your role?

11 A. So I would not be aware if they
12 were student protesters. The cases I was --
13 the students that I was looking at actually had
14 law enforcement infractions and protesting
15 would not be one of those.

16 Q. It's your testimony that every
17 referral you have reviewed involving a Visa
18 holder who is a student has involved an
19 allegation of criminal conduct?

20 MS. STROKUS: Objection. Form.

21 A. Yes, I believe so.

22 BY MS. CONLON:

23 Q. What was Mr. Khalil's criminal
24 conduct?

25 MS. STROKUS: Objection. Calls for

1 speculation.

2 A. That was a determination by the
3 Secretary.

4 BY MS. CONLON:

5 Q. No. I'm saying -- withdrawn.
6 You're testifying that the people whose cases
7 have been sent to you to review who happen to
8 be students, student protesters even, also have
9 law enforcement infractions, and I'm asking you
10 what were Mr. Khalil's law enforcement --

11 MS. STROKUS: Objection. Law
12 enforcement privileged materials and I instruct
13 the witness not to answer.

14 BY MS. CONLON:

15 Q. To your knowledge, has Mr.
16 Khalil been charged with any crime?

17 A. To my knowledge, no.

18 Q. Mr. Khalil's name was not on
19 any of the lists of student Visa holders
20 referred to your office because they have law
21 enforcement infractions, correct?

22 MS. STROKUS: Objection. Form.
23 Calls for speculation.

24 A. I don't know if that's the
25 reason why. I don't believe he was on the list

1 of students.

2 BY MS. CONLON:

3 Q. He was referred to you
4 separately, correct?

5 MS. STROKUS: Objection. Form.

6 A. I think he was referred to the
7 Visa office and I may have that wrong.
8 Actually, he may have been referred to the
9 senior bureau official.

10 Q. He may have been referred by
11 the 7th floor to the senior bureau official?

12 MS. STROKUS: Object. Form. Calls
13 for speculation.

14 A. I don't know where it came
15 from.

16 BY MS. CONLON:

17 Q. Just a moment.

18 MS. SAFAVI: Actually, can we take a
19 quick break. Can we have a quick break please.

20 MS. CONLON: Sure.

21 MS. SAFAVI: We'll limit it to 5
22 minutes.

23 MS. CONLON: No, I wasn't going to
24 put a timer on it. That's fine.

25 MS. SAFAVI: Oh, I want to put a

1 timer on it.

2 THE VIDEOGRAPHER: The time is 2:08.

3 We are off the record.

4 (A break was taken at 2:08 p.m.)

5 THE VIDEOGRAPHER: The time is 14:18

6 and we're back on the record.

7 BY MS. CONLON:

8 Q. Without speaking about any 3C
9 policies that could relate to this case, so
10 just in the abstract, when you're reviewing a
11 proposed action to take on the basis of the 3C
12 policy, do you usually review the relevant 3C
13 policy?

14 A. Sorry for hesitating.

15 Q. That's okay.

16 A. I'm contemplating if I ever had
17 a 3C designation to do exactly that with. I
18 can speak hypothetically that if I had a case
19 that was related to a 3C policy, that I would
20 look at that policy.

21 Q. Well, you have people who are
22 junior to you in the Visa office who receive
23 recommendations of action on the basis of a 3C
24 policy. Who trains them?

25 MS. STROKUS: Objection. Form.

1 BY MS. CONLON:

2 Q. I wasn't done asking my
3 question.

4 MS. STROKUS: Sorry.

5 MS. CONLON: But you can object again
6 when I finish.

7 BY MS. CONLON:

8 Q. Who trains them on how to
9 implement the relevant 3C policy?

10 MS. STROKUS: Objection. Form.

11 A. No idea.

12 BY MS. CONLON:

13 Q. Who gives guidance to employees
14 of the Visa office who receive referrals from
15 Homeland Security that involve a 3C policy?

16 MS. STROKUS: Objection. Calls for
17 speculation. Form.

18 A. Who gives the workers guidance.

19 MS. CONLON: That's right.

20 A. Well, they're trained in our
21 general consular courses on how to read the FAM
22 and apply the guidance, the policies. So I
23 wouldn't say there's necessarily an active
24 person telling them how to do things.

25 BY MS. CONLON:

1 Q. When a new 3C policy is arrived
2 at, who explains it to the workers in the Visa
3 office?

4 A. That would likely be the
5 director or the managing director.

6 Q. And you're not the director?

7 A. That's correct.

8 Q. Who is -- the managing director
9 is Ms. Norris?

10 A. Correct.

11 Q. So when you say it would be the
12 director or the managing director?

13 A. Right. The director of the
14 office the employee is in or the managing
15 director. There's many different layers, we're
16 talking about a very large office.

17 Q. The Visa office is a very large
18 office?

19 A. Yes, there's hundreds.

20 Q. Are there any circumstances
21 under which the Visa office proposes an action
22 to the Secretary on a Visa without referring to
23 a 3C policy?

24 A. I don't know.

25 Q. In your experience, have you

1 ever seen that?

2 A. I've seen cases go to the
3 Secretary that are 3C or 4C.

4 Q. Have you seen any cases go to
5 the Secretary that were not 3C or 4C?

6 A. I don't believe so, no.

7 Q. Okay. One other thing, 3C and
8 4C concern United States foreign policy
9 interests, right?

10 MS. STROKUS: Objection. Form.

11 BY MS. CONLON:

12 Q. So how does somebody in the
13 Visa office determine what -- determine whether
14 the recommended action comports with U.S.
15 foreign policy interest?

16 MS. STROKUS: Objection. Calls for
17 speculation. Form.

18 A. Could you reword that maybe?

19 BY MS. COLON:

20 Q. Sure. The Visa office
21 receives referrals recommending action on the
22 basis of a 3C or 4C policy implicating the U.S.
23 foreign policy interest. How did anyone in the
24 Visa office know whether there is a relevant
25 U.S. foreign policy interest at stake based on

1 that action?

2 MS. STROKUS: Objection to form.

3 A. I don't know how it's analyzed.

4 BY MS. CONLON:

5 Q. Who determines what the U.S.
6 foreign policy interests are for purposes of 3C
7 and 4C?

8 A. Well, it's a decision to the
9 Secretary.

10 Q. How is his decision about what
11 U.S. foreign policy interests are for 3C and 4C
12 conveyed to the Visa office?

13 A. There's different types of
14 input we can receive as to what the Secretary
15 is interested in.

16 Q. How do you receive -- what are
17 the different -- sorry. Withdrawn. What are
18 the ways that you can receive information --

19 A. It could be a -- it could be
20 public speech, it can be a Tweet, something
21 published on a website. There's different ways
22 of determining what the Secretary's interest
23 is.

24 Q. And how do you stay abreast of
25 his public statements to understand what his

1 interests are for 3C and 4C purposes?

2 A. Well, speeches and such or
3 public affairs would notify us of any
4 statements the Secretary's made.

5 Q. Do you receive daily press
6 clippings; for example, concerning the
7 Secretary's public statements that are relevant
8 to your work?

9 A. I have access to them.

10 Q. Is there someone in the Visa
11 office, not just public affairs, who tracks his
12 public statements for the purposes of 3C and 4C
13 policy work?

14 A. Not specifically.

15 Q. So if the Secretary announces a
16 new foreign policy interest relevant to the 3C
17 and 4C work you do, how do you become aware of
18 it?

19 A. There's many different ways.
20 We have our staff meetings and somebody usually
21 picks up on the information whether it be a
22 press clip or a speech and we discuss it.

23 Q. Are those meetings like on a
24 daily basis?

25 A. No.

1 Q. Weekly basis?

2 A. Weekly basis typically for our
3 staff meeting, yes.

4 Q. If the Secretary has made an
5 important speech or post online about a new
6 policy, does a meeting get convened by the Visa
7 office to understand its relevance to your
8 work?

9 MS. STROKUS: Objection. Form.

10 A. I can speak theoretically.

11 BY MS. COLON:

12 Q. Well, in your experience has
13 that happened?

14 A. The Secretary making a
15 statement that we need to address immediately
16 with -- I haven't been part of that since I've
17 been here, no.

18 Q. The Secretary -- you're aware.
19 Withdrawn. Are you aware that since you have
20 joined the State Department, Secretary Rubio
21 has made many public statements about
22 anti-Semitism as a U.S. foreign policy
23 interest?

24 A. Consistent with 14188 executive
25 order.

1 Q. Yes.

2 A. Yes.

3 Q. How have Secretary Rubio's
4 public statements about the U.S. foreign policy
5 interest in anti-Semitism consistent with
6 executive order 14188 been conveyed to you?

7 A. I can recall seeing press
8 clips. Then I remember a Tweet that I can't
9 recall the content of that related to that
10 subject.

11 Q. Do you recall any particular
12 statements by Secretary Rubio concerning
13 anti-Semitism that you have had to respond to
14 in your work?

15 A. I can recall statements that
16 relate to Visa holders not complying with their
17 Visa but not nothing in particular regarding
18 anti-Semitism.

19 Q. When you say statements
20 relating to Visa holders not complying with
21 their Visas, are you referring to student Visa
22 holders?

23 A. I think it could relate to
24 anyone; perhaps it was related to students in
25 particular.

1 Q. What statements relating to
2 Visa holders not complying with their Visas
3 stick out in your mind as affecting your work?

4 MS. STROKUS: Objection. Calls for
5 speculation. Form.

6 A. I can remember a particular
7 quote where he said a Visa is a privilege, not
8 a right.

9 BY MS. CONLON:

10 Q. How has that affected your
11 work?

12 MS. STROKUS: Objection. Form.

13 A. It is -- I think it has allowed
14 us to look at the Visa -- a violation of the
15 terms of a Visa in a more -- in a way that we
16 can control that Visa in a sense that we could
17 revoke it if the person has acted not compliant
18 with the terms of the Visa.

19 MS. CONLON: I'm going to pass you a
20 document that I would like marked as Exhibit 1.

21 (Exhibit 1 was marked.)

22 BY MS. CONLON:

23 Q. You just received a document
24 marked as Exhibit 1 from Ms. Henderson. What
25 does it appear to be?

1 MS. STROKUS: Objection.

2 Speculation.

3 A. So we have a Palestinian
4 activist, according to the caption, who's been
5 arrested and the implication is that this is a
6 Visa or green card holder and Hamas supporter.

7 BY MS. CONLON:

8 Q. Do you recognize the person in
9 the picture?

10 A. I believe that's Khalil.

11 Q. And you see where -- you agree
12 that @marcorubio is Mr. Rubio or Secretary
13 Rubio's handle on social media on the platform
14 X?

15 A. I would assume so, yes.

16 Q. And you see where he writes [As
17 read] "We will be revoking the Visas and/or
18 green cards of Hamas supporters in America so
19 they can be deported." Right?

20 A. Yes.

21 Q. Secretary Rubio here addresses
22 the revocation not only of Visas but also of
23 green cards, correct?

24 A. No, I'm not qualified to answer
25 that.

1 Q. Is this a statement that was
2 brought to your attention as part of your work
3 on 3C policies relating to the two executive
4 orders?

5 A. I have not seen this before.

6 Q. Okay. Have you seen any press
7 clippings where Secretary Rubio has expressed
8 the sentiment that the State Department will be
9 revoking the Visas and/or green cards of Hamas
10 supporters?

11 A. I can't recall. I have a
12 problem with the use of green cards, revoking
13 green cards. That's not Secretary State's
14 authority to my knowledge.

15 Q. Yes, and I see that. Put aside
16 green cards for a moment.

17 A. Okay.

18 Q. Have you seen any public
19 statements of Secretary Rubio's that have
20 informed your work concerning the revocation of
21 Visas of Hamas supporters?

22 A. I can't recall anything
23 specifically that I can recite for you.

24 Q. We're not asking you to recite
25 it. Have you seen -- has that information been

1 provided to you in the course of your work?

2 A. Either -- yes, either a message
3 from either the President or Secretary Rubio.

4 Q. And are messages --

5 (Phone interruption)

6 MS. CONLON: Everyone okay? Okay.

7 BY MS. CONLON:

8 Q. Are messages from the President
9 concerning Visa revocations that are in public
10 statements of equal import in informing your
11 work of statements by Secretary Rubio?

12 A. Well, of course, as the
13 executive it's very important to us but our
14 immediate supervisor, if you will, is the
15 Secretary.

16 Q. Now, you said that you recall a
17 statement by Secretary Rubio about revoking
18 Visas from people whose activities are
19 inconsistent with the purpose of their Visa; is
20 that correct?

21 A. That's correct.

22 Q. Have you received any guidance
23 from someone senior to you in the State
24 Department about how to apply that sentiment to
25 your work?

1 MS. STROKUS: Objection. Form.

2 A. Actually, no.

3 BY MS. CONLON:

4 Q. Have you seen any cables
5 expressing that notion?

6 MS. STROKUS: Objection. Form.

7 A. I can't recall. There have
8 been a lot of cables since the newest
9 administration came on board.

10 BY MS. CONLON:

11 Q. Okay. I'm going to give you
12 another document. I'm passing this document to
13 Ms. Henderson. Ms. Henderson, were you able to
14 mark that --

15 THE COURT REPORTER: Two.

16 (Exhibit 2 was marked.)

17 BY MS. CONLON:

18 Q. I have just handed you a
19 document marked as Exhibit 2. Do you recognize
20 this as a cable from the State Department?

21 A. Yes. Yes, I do. I have read
22 this before.

23 Q. And you're talking for the
24 record about MRN 25 State 59756, right?

25 A. MRN 59756.

1 Q. Oh, did I say it wrong? I
2 might have. Thank you. Now. Were you
3 involved in the development of this cable?

4 A. Well, this cable was by and
5 large drafted by C Staff.

6 Q. Who are C Staff what does C
7 Staff mean?

8 A. Mike Needham, counselor state
9 foreign counselor.

10 Q. C Staff is -- no, I still don't
11 know. What does it stand for, if we know?

12 A. Counselor as opposed to
13 consular. The legal wing of the 7th floor.

14 Q. Did anybody from the Visa
15 office work on this with Mr. Needham?

16 A. We had a draft that was sent
17 over to him and he revised it to the point
18 where it's by and large an original kit in many
19 ways.

20 Q. And who prepared the draft?

21 A. I don't know.

22 Q. Did you review the draft before
23 it went to Mr. Needham?

24 A. I did see the draft, yes.

25 Q. And in any event, this is the

1 final version issued by Mr. Needham, correct?

2 A. That's correct.

3 Q. Now, I would like to ask you
4 first on the first page of it, there's
5 references A, B, and C to other cables,
6 correct?

7 A. That's right. Reference
8 cables, yes.

9 Q. So reference cables are cables
10 that are referred to in the instant cable,
11 right?

12 A. They can be or they can just be
13 cables that are related in theme subject.

14 Q. Do you recall the theme or
15 subject of the cables listed here as A through
16 C on page 1 of Exhibit 2?

17 A. No, I have no clue.

18 Q. When you talk about these
19 cables internally, how would you refer to them?
20 Do you use the MRN number?

21 A. Right. We would say State
22 5194.

23 Q. Is there a short title that's
24 used so that somebody knows the subject of it
25 as opposed to just it's identifying number?

1 A. Just the subject line.

2 Q. So the subject line here is
3 Expanding Screening and Vetting For FMJ
4 Applicants, right?

5 THE COURT REPORTER: I'm sorry.
6 Expanding...

7 MS. CONLON: Screening and Vetting
8 For FMJ Applicants, right?

9 A. Correct.

10 BY MS. CONLON:

11 Q. Was Mr. -- oh, gosh, I'm going
12 to get his name wrong, Jachim. Jachim from
13 screening and vetting involved in the
14 development of this cable?

15 MS. STROKUS: Objection. Calls for
16 speculation.

17 A. I do not know for sure. It's
18 likely.

19 BY MS. CONLON:

20 Q. Where it says -- let me back
21 up. This cable speaks only of FMJ applicants,
22 right?

23 A. Right.

24 Q. Now, is there a corresponding
25 cable that addresses lawful permanent

1 residents?

2 MS. STROKUS: Objection. Calls for
3 speculation.

4 A. No, to my knowledge. No.

5 BY MS. CONLON:

6 Q. Is there any corresponding
7 guidance contained not within a cable but
8 another form for lawful permanent resident?

9 MS. STROKUS: Objection. Form.
10 Calls for speculation.

11 A. No, we wouldn't separate out
12 lawful permanent residents. It doesn't fall
13 within a Visa category. This is for people who
14 are applying for Visas.

15 Q. And to be clear, it's also for
16 people who are returning, right, if you look --

17 A. Renewing. Renewing Visa is
18 included in that, right.

19 Q. So this includes Visa holders
20 at every stage, correct?

21 A. At every stage. Application
22 stage.

23 Q. Yes.

24 A. Yes.

25 Q. If you'll turn to page 5

1 please. I take it back -- given the time, I
2 understand you have to walk out the door at 3;
3 is that right?

4 A. Sorry, yes.

5 Q. No, it's okay. Let's jump
6 ahead to page 7 if you wouldn't mind, and I'd
7 like to draw your attention to paragraph 23.
8 Now, the last sentence of paragraph 23 says [As
9 read] "As Secretary Rubio has said, we do not
10 seek to import activists who will disrupt and
11 undermine scholarly activities at U.S.
12 universities."

13 Do you understand that to be a
14 reference to one of Secretary Rubio's public
15 statements?

16 A. That would be my understanding.
17 Correct.

18 Q. What is your understanding of
19 the directive in that statement about not
20 importing activists?

21 MS. STROKUS: Objection. Calls for
22 speculation.

23 A. So my interpretation of this is
24 that we would look for people who are serious
25 about their studies and are going to show us

1 that they want to study full time as opposed to
2 be activists who would be taken away from their
3 studies to pursue political measures.

4 Q. Can a student who carries a
5 full course load also engage in any amount of
6 political activism while still acting
7 consistent with their Visa?

8 MS. STROKUS: Objection.
9 Speculation. And I have a further objection to
10 this document to begin with. I don't believe
11 that this was produced to plaintiff's in
12 discovery and no foundation has been laid of
13 its authenticity, if it's a true and accurate
14 copy of this cable.

15 MS. CONLON: Okay. Your objection is
16 noted.

17 BY MS. CONLON:

18 Q. So you were saying -- oh, I
19 asked you can a student carry a full course
20 load while also engaging in any amount of
21 global activism in a manner that is consistent
22 with the contours of a student Visa?

23 MS. STROKUS: Objection. Calls for
24 speculation.

25 A. I'm not sure I can answer that.

1 BY MS. CONLON:

2 Q. Well, it says here that the
3 State Department is to determine whether the
4 student's activity or the nonVisa holder's
5 activity is consistent with the nonimmigrant
6 Visa classification they seek?

7 A. Right.

8 Q. So in the context of a student
9 Visa, can activism ever be consistent with the
10 classification of that Visa?

11 MS. STROKUS: Objection. Calls for
12 speculation.

13 MS. SAFAVI: Oh, and actually, can we
14 take a break with the witness not here?

15 MS. CONLON: Sure. We do only have
16 15 minutes left and I don't want to lose Mr.
17 Wilson for that whole period. So is this
18 something we can do after Mr. Wilson is gone?
19 Is there a reason it has to be done now?

20 MS. SAFAVI: Okay. So we're going to
21 break in 15 more minutes and then he can leave.

22 MS. CONLON: He can leave and then
23 you can make whatever record.

24 MS. SAFAVI: Okay. Great.

25 MS. CONLON: Is that okay for you?

1 MS. SAFAVI: Yeah.

2 MS. CONLON: We can even say it was as
3 to this moment in time but just so that I don't
4 lose the time with Mr. Wilson.

5 MS. SAFAVI: Okay.

6 MS. CONLON: Thank you.

7 BY MS. CONLON:

8 Q. Mr. Wilson, the State
9 Department is required to determine whether a
10 person's activity is consistent with the type
11 of nonimmigrant Visa classification they seek,
12 correct?

13 MS. STROKUS: Objection. Calls for
14 speculation.

15 BY MS. CONLON:

16 Q. You can answer.

17 A. Yes.

18 Q. Has the Visa office been given
19 any guidance about how to determine whether a
20 student's activism is consistent with their
21 student Visa?

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 A. No.

25 BY MS. CONLON:

1 Q. Have you --

2 A. It's still under discussion.

3 BY MS. CONLON:

4 Q. Okay. What is -- well,
5 withdrawn. What is your understanding of the
6 kinds of activities that are inconsistent with
7 a student's Visa classification?

8 MS. STROKUS: Objection. Form.
9 Calls for speculation.

10 A. My understanding is that
11 students would be viewed in a negative light if
12 they were coming to universities and instead of
13 studying actually to be activists and
14 participate in activities that might prohibit
15 others from studying or create a hostile
16 environment on the campus.

17 BY MS. CONLON:

18 Q. Are there any other examples
19 you can think of of ways in which a student's
20 activity could be inconsistent with the purpose
21 of their Visa?

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 A. There's lots of those. I mean,
25 if you don't have permission to work on your

1 Visa and you're working, there's -- or you're
2 drunk driving we talked about earlier, there's
3 plenty of different ways you can violate the
4 terms of the Visa.

5 BY MS. CONLON:

6 Q. This directive in the first
7 sentence of paragraph 23 directs the Visa
8 office to consider a person's history --

9 THE COURT REPORTER: Consider a
10 person's...

11 MS. CONLON: History of political
12 activism, right?

13 MS. STROKUS: Objection. Calls for
14 speculation.

15 BY MS. CONLON:

16 Q. You used the phrase hostile
17 environment just moments ago when discussing
18 activities a student could engage in that might
19 be inconsistent with their student Visa;
20 creating a hostile environment on campus. Does
21 that phrase, "hostile environment," come from
22 any State Department document?

23 MS. STROKUS: Objection. Form.

24 A. Not that I'm aware of, no.

25 BY MS. CONLON:

1 Q. That phrase "hostile
2 environment" at times appears in quotation
3 marks in various documents maintained by the
4 State Department. Do you understand that to be
5 a term of art that the State Department uses?

6 MS. STROKUS: Objection. Form and
7 calls for speculation.

8 A. I understand it to be more of a
9 legal term. We talk about harassment in the
10 workplace, for example, sexual harassment, that
11 could be a hostile environment.

12 BY MS. CONLON:

13 Q. Are you aware of any guidance
14 apart from this cable regarding hostile
15 environments on college campuses?

16 MS. STROKUS: Objection. Form and
17 calls for speculation.

18 A. No, I'm not aware.

19 BY MS. CONLON:

20 Q. You said earlier you haven't
21 received guidance on how to determine whether a
22 student's activities are inconsistent with the
23 purpose of their student Visa. So how does the
24 Visa office make that determination?

25 MS. STROKUS: Objection. Form.

1 A. This is a determination to
2 consular officers in the field as they're
3 reviewing the cases. They would develop what
4 they consider to be inappropriate use of Visa.

5 BY MS. CONLON:

6 Q. But what about for Visa holders
7 who are in the United States?

8 MS. STROKUS: Objection. Form.

9 A. Go on.

10 BY MS. CONLON:

11 Q. Who would make -- who makes the
12 determination that a Visa holder presently in
13 the United States is behaving in a way that's
14 inconsistent with the terms of their Visa?

15 A. As far as I'm aware, if there's
16 no -- I mean, if there's a legal infraction,
17 then you have something to base the abuse of
18 the Visa on. If it's more of a foreign policy
19 issue, then you're going to go to the tools
20 that the Secretary can use, mainly 3C and 4C.

21 Q. So a 3C or 4C determination can
22 be made based on a student Visa holder acting
23 in a manner inconsistent with the terms of
24 their student Visa; is that correct?

25 A. I'm sorry. Say it one more

1 time.

2 Q. Sure. A 3C or 4C determination
3 could be made based on a person's conduct being
4 inconsistent with the terms of their Visa; is
5 that correct?

6 MS. STROKUS: Objection. Calls for a
7 legal conclusion.

8 A. Right. I mean, the purpose
9 would be the larger foreign policy issue.

10 BY MS. CONLON:

11 Q. I see. The purpose of it being
12 brought to the Secretary's attention would be
13 the larger foreign policy issue; is that
14 correct? Is that a yes? Sorry. I'm just
15 thinking --

16 A. That's me contemplating.

17 Q. Contemplate away.

18 A. Yes, I would agree with that.

19 Q. So you haven't received
20 guidance on -- withdrawn. Have you had any
21 involvement in Visa revocations for activism as
22 described in paragraph 23?

23 MS. STROKUS: Objection. Calls for
24 speculation.

25 A. No, I haven't.

1 BY MS. CONLON:

2 Q. Do you know who in the Visa
3 office, if anyone, has had involvement with
4 Visa revocations for activism as described in
5 paragraph 23?

6 MS. STROKUS: Objection. Calls for
7 speculation.

8 A. I'm not aware of anyone, no.

9 BY MS. CONLON:

10 Q. Just a moment. Okay. Is it
11 your understanding that there are particular
12 types of activism that are relevant to the
13 application of this cable?

14 MS. STROKUS: Objection. Calls for
15 speculation.

16 A. No.

17 BY MS. CONLON:

18 Q. Do you have any understanding
19 about whether paragraph 23 could be applied to
20 an person whose activism is in favor of the
21 actions of Israel?

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 A. No. It's not dependent on --
25 well, let me clarify. Could you rephrase the

1 question, please.

2 BY MS. CONLON:

3 Q. I'm just looking for a better
4 understanding from you of how to determine what
5 a person's history of political activism is
6 relevant to whether they should get to have a
7 Visa?

8 A. Well, when we interview an
9 applicant overseas their not in the U.S. yet
10 and we want to make sure they're actually the
11 people we want in the U.S. So if you are
12 vetting them and you see they have a history of
13 being violent or aggressive towards people,
14 something along those natures, that causes you
15 to pause and examine that case and look for
16 other factors to see if wholistically you can
17 determine if you want this person in the U.S.
18 or not.

19 Q. But isn't paragraph 23 broader
20 than that; wouldn't it include activism that
21 doesn't involve violence or aggressiveness?

22 MS. STROKUS: Objection. Calls for
23 speculation.

24 A. Wouldn't it include? What do
25 you mean?

1 BY MS. CONLON:

2 Q. Well, doesn't it include?

3 MS. STROKUS: Objection.

4 Argumentative.

5 A. I don't see that.

6 BY MS. CONLON:

7 Q. When is political activism
8 inconsistent with a student Visa?

9 MS. STROKUS: Objection. Calls for
10 speculation.

11 A. Well, when it's contrary to the
12 Secretary's foreign policy and undermines his
13 ability to conduct foreign policy when it
14 infringes upon the rights of the citizens of
15 the U.S. would be two examples.

16 BY MS. CONLON:

17 Q. And what kind of student
18 activism could be inconsistent with a U.S.
19 foreign policy interest?

20 MS. STROKUS: Objection. Calls for
21 speculation.

22 A. I don't know. That would be
23 above my pay grade.

24 BY MS. CONLON:

25 Q. Have you seen any examples of

1 U.S. student activism that's inconsistent with
2 a foreign policy interest of the United States?

3 A. Have I seen some?

4 MS. STROKUS: Objection. Form.

5 A. Is this in my opinion or is
6 this an opinion of the State Department?

7 BY MS. CONLON:

8 Q. This is as you understand it in
9 your role as an official at the State
10 Department.

11 A. As an official at the State
12 Department that is supported terrorist
13 organizations is something that we would frown
14 upon obviously.

15 Q. What about activism that
16 doesn't involve any particular terrorist
17 organization?

18 A. I would need more details on
19 the case.

20 Q. We talked about the importance
21 of Secretary Rubio's statements on foreign
22 policy interest. Has Secretary Rubio made any
23 statements relevant to political activism as
24 contrary to U.S. foreign policy to your
25 knowledge?

1 MS. STROKUS: Objection. Calls for
2 speculation.

3 A. Political activism. No, I
4 wouldn't characterize it that way.

5 MS. CONLON: Sorry. My real time is
6 giving out. One second. You are not aware of
7 any statements by Secretary Rubio concerning
8 student political activism and U.S. foreign
9 policy interests.

10 MS. STROKUS: Objection
11 mischaracterization testimony. Form and
12 speculation.

13 A. Any statement -- sorry.

14 MS. CONLON: One at a time, I think.
15 Do you have any other objections? Okay. Go
16 ahead.

17 THE WITNESS: Want to reiterate the
18 question?

19 MS. CONLON: Sure.

20 BY MS. CONLON:

21 Q. Is it your understanding that
22 student activism that's perceived to be
23 anti-Semitism is contrary to U.S. foreign
24 policy interest?

25 MS. STROKUS: Objection. Form.

1 A. Again personally or are you
2 talking about Government official. I can't say
3 if it doesn't have the terrorism connection
4 then it's a more complex question.

5 BY MS. CONLON:

6 Q. How do you resolve that complex
7 question?

8 A. You look at the totality of the
9 information that you can get. It takes
10 considerable amount of time.

11 Q. So in the allegation concerning
12 a person's activism is that it relates in any
13 way to terrorism that is more straightforward
14 presumably than if it relates to something that
15 can be deemed anti-Semitism; is that correct?

16 MS. STROKUS: Objection. Form.

17 A. I'm sorry. Rephrase again.

18 BY MS. CONLON:

19 Q. Sure. I'm just -- I'm trying
20 to understand the kinds of activism of students
21 that could be contrary to U.S. foreign policy
22 interest. So I'm giving you examples and
23 asking you about them. So student activism
24 that's perceived to be supportive of Hamas,
25 would that be contrary to U.S. foreign policy

1 interest as you understand it?

2 A. I think your questions are for
3 more the Secretary because the Secretary has
4 the authority to make these decisions, we
5 don't.

6 Q. Well, I'm actually interested
7 in your view as the person who has to help
8 implement the decisions because as I understand
9 it, those recommendations come to Secretary
10 Rubio from the Visa office. So appreciating
11 that he has the last word on all of this and
12 that you cannot speak for him about his
13 opinion, focussing on your understanding as the
14 leader of an office that has to implement this
15 cable related cables, what are the kinds of
16 student activism that you understand to be
17 contrary to a U.S. foreign policy interest?

18 MS. STROKUS: Objection. Form.

19 A. I believe that's what we were
20 already discussing about the perhaps violence,
21 perhaps and infringing on U.S. citizen rights,
22 hostile workplace or campus, those type things.

23 MS. STROKUS: I'm sorry. I have to
24 interrupt. We do have a 3 p.m. stop and it is
25 3 p.m.

1 MS. CONLON: Sorry. Just one last
2 question possibly. Okay. This is my last
3 question and thank you for indulging me.

4 BY MS. CONLON:

5 Q. For your assessment, whether a
6 person's activism creates a hostile environment
7 such that it can be contrary to U.S. foreign
8 policy interest, does it matter whether the
9 individual activists' behavior created the
10 environment or is it simply a question of
11 whether the activist participated in an
12 environment where that was taking place?

13 MS. STROKUS: Objection. Form and
14 calls for speculation.

15 A. Yeah, I'm sorry, it's a bit too
16 hypothetical for me. I would need details.

17 MS. CONLON: If we had more time, I
18 would do that with you. Okay. Well, thank you
19 for your time you've given us.

20 THE WITNESS: I appreciate that.

21 MS. CONLON: We can go off the
22 record. I just want to know about what time on
23 Thursday.

24 THE VIDEOGRAPHER: Time is 15:00 and
25 we're off the record.

1 (Off record discussion.)

2 THE VIDEOGRAPHER: The time is 15:04

3 and we're back on record.

4 MS. CONLON: The person to be
5 defending it is the person who makes the
6 objections.

7 MS. STROKUS: That's what we were
8 trying to ask, so then I actually need a
9 minute.

10 MS. CONLON: Okay. Sorry.

11 THE VIDEOGRAPHER: Going off the
12 record at 15:05 p.m.

13 (Deposition concluded at 3:05 p.m.)

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby
certify that I have read the foregoing pages and
that the same is a correct transcription of the
answers given by me to the questions therein
propounded, except for the corrections or
changes in form or substance, if any, noted in
the attached Errata Sheet.

Date_____
Signature

1 CERTIFICATE

2
3 I, Okeemah S. Henderson, RPR, the officer before
4 whom the foregoing deposition was taken, do hereby certify
5 that the foregoing transcript is a true and correct record
6 of the testimony given; that said testimony was taken by me
7 stenographically and thereafter reduced to typewriting
8 under my direction; that reading and signing was not
9 requested; and that I am neither counsel for, related to,
10 nor employed by any of the parties to this case and have no
11 interest, financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 and affixed my notarial seal this 25th day of June, 2025.
14 My commission expires:
15 September 30, 2029
16
17
18

19 Okeemah S. Henderson
20 Okeemah S. Henderson, RPR
21 Official Court Reporter
22
23
24
25

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articulated (1)	brief (1)	Christmas (1)	concerning (27)
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asked (11)	broader (1)	circumstances (4)	concluded (1)
asking (22)	brought (7)	citizen (3)	conclusion (2)
assert (1)	Bureau (11)	citizens (1)	conduct (4)
asserted (1)	bureaucracy (1)	Civil (1)	confer (1)
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ASSISTANT (4)	cables (34)	clarity (1)	conformed (1)
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attributed (1)	capacity (6)	clippings (2)	considerable (1)
authenticity (1)	caption (1)	clips (1)	considerably (1)
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	carry (1)	colleague (1)	consulted (2)
< B >	CASAC (3)	colleagues (4)	consulting (1)
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bank (1)	cases (16)	college (1)	contained (2)
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based (14)	category (1)	COLON (2)	contemplating (2)
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basis (20)	causes (1)	combatting (1)	content (10)
baskets (2)	Center (2)	come (8)	context (5)
bears (1)	certain (10)	comes (6)	continue (1)
beginning (2)	Certainly (1)	coming (4)	Continued (1)
behalf (5)	certainty (2)	command (1)	contours (1)
behaving (1)	CERTIFICATE (1)	commission (1)	contrary (11)
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best (3)	chance (1)	compiled (1)	convened (1)
bet (1)	change (2)	compiles (1)	conveyed (2)
better (4)	Changed (3)	complaint (1)	conveying (2)
bit (2)	changes (6)	completely (1)	cooperation (1)
blur (1)	characterization (1)	complex (2)	coordinates (1)
board (2)	characterize (5)	compliant (1)	coordination (1)
Bob (6)	charge (1)	complicated (2)	copy (1)
bound (1)	charged (1)	complying (3)	Correct (74)
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counter (1)	dependent (1)	document (16)	equivalent (1)
country (1)	depending (3)	documentation (1)	Errata (1)
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courses (1)	DEPONENT (1)	doing (1)	ESQUIRE (7)
COURT (16)	deported (1)	DOJ (2)	essential (2)
covers (1)	deposed (2)	domestic (4)	essentially (1)
create (1)	deposition (10)	domestically (1)	established (3)
created (5)	depositions (1)	door (1)	estimation (1)
creates (1)	Deputy (4)	draft (4)	ET (4)
creating (3)	describe (1)	drafted (1)	event (1)
creation (4)	described (4)	draw (1)	Everest (2)
crime (1)	description (2)	Drive (1)	Everybody (2)
criminal (5)	designation (3)	driving (6)	evidence (3)
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	determination (10)	Drunk (5)	Exactly (2)
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D.C (2)	determine (9)	duties (1)	examine (1)
daily (2)	determines (1)		examined (1)
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decides (1)	directorate (9)	E-mail (3)	experience (8)
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deemed (1)	directs (1)	employee (3)	explains (2)
deep (1)	discovery (2)	employees (2)	expressed (2)
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involved (11)	labeled (1)	making (5)	misused (1)
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issuances (1)	larger (2)	March (12)	months (2)
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its (4)	lawyers (2)	MASSACHUSETTS	multiple (1)
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< J >	LCA (3)	material (1)	< N >
Jachim (23)	leader (1)	materials (13)	name (21)
Jachim's (3)	leave (4)	Matt (1)	names (5)
JESSICA (7)	led (2)	Matter (3)	NANCY (2)
Jessica.strokus@usdoj.	left (2)	mean (14)	National (3)
gov (1)	LEGAL (22)	meaning (3)	natures (1)
job (8)	letters (2)	means (1)	necessarily (4)
John (7)	Letting (1)	meant (1)	need (11)
joined (2)	level (6)	measures (1)	needed (1)
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JON (1)	limit (1)	media (1)	needs (2)
Judge (2)	limited (1)	medications (1)	negative (1)
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June (4)	list (29)	meetings (2)	never (8)
junior (3)	listed (1)	members (4)	New (12)
justice (1)	listing (1)	memo (16)	newest (1)
JUSTICE/CIVIL (1)	lists (7)	memorialized (3)	non (1)
	little (5)	memory (3)	noncriminal (3)
< K >	live (1)	memos (1)	nonimmigrant (2)
keep (1)	LLP (1)	mention (1)	nonVisa (2)
Kellogg (1)	load (2)	mentioned (4)	Norris (17)
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Khalil (8)	long (13)	message (5)	notarial (1)
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straightforward (1)	temporary (1)	true (2)	VIDEOGRAPHER
Street (4)	tenure (2)	Trump (3)	(13)
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EXHIBIT 5

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3 - - - - - x
4 AMERICAN ASSOCIATION OF :
5 UNIVERSITY PROFESSORS, ET :
6 AL, :
7 Plaintiffs, : Case No.
8 v. :
9 MARCO RUBIO, ET AL, : 1:25-cv-10685 (WGY)
10 Defendants. :
11 - - - - - x

12 Videotaped deposition of JOHN
13 ARMSTRONG, taken on behalf of the Plaintiffs,
14 beginning at 10:18 a.m., on Thursday, June 12,
15 2025, at the law offices of Kellogg, Hansen,
16 Todd, Figel & Frederick, P.L.L.C., 1615 M
17 Street, NW, Suite 400, Washington D.C. 20036,
18 before Okeemah S. Henderson, RRP, CaseViewNet
19 Realtime Reporter, and Notary Public for the
20 District of Columbia.
21 Everest Job No. 41659

22 (REPORTER'S NOTE: All quotations from exhibits
23 are reflected in the manner in which they were
24 read into the record and do not necessarily
25 denote an exact quote from the document.)

Reported by: Okeemah S. Henderson, RPR

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25 ADAM NUDELMAN, VIDEO OPERATOR

1 INDEX OF EXAMINATION

3 WITNESS: JOHN ARMSTRONG

PAGE

5 DIRECT EXAMINATION

6 By Ms. Conlon

6

8 INDEX OF EXHIBITS

9 (Attached to the transcript)

11 EXHIBITS

PAGE

12 Exhibit 1 Declaration of John Armstrong

15

13 Exhibit 2 8 USC 1182 Inadmissible aliens
document

69

14 Exhibit 3 Certified Administrative record

85

16 Exhibits 4-6 were referenced but not marked.

P R O C E E D I N G S

THE VIDEOGRAPHER: This is Media Unit No. 1 in the videotaped deposition of John Armstrong in the matter of American Association of University Professors, et al., versus Marco Rubio, et al in the U.S. District Court for the District of Massachusetts. Case No. 1:25-CV-108 -- I'm sorry -- -10685.

Today's date is June 12, 2025. Time on the record is 10:18 a.m. This deposition is taking place at the offices of Kellogg Hansen, Todd, 1615 M Street Northwest, Washington, D.C. The videographer today is Adam Nudelman with Everest.

Would all attorneys present please identify themselves, state whom they represent, beginning with the party noticing this proceeding.

MS. CONLON: Okay. I'll start. I'm Alexandra Conlon with Sher Tremonte representing the plaintiffs.

MR. WILKENS: Scott Wilkens with the Knight First Amendment Institute representing the plaintiffs.

MS. KRISHNAN: Ramya Krishnan also

1 with the Knight Institute representing the
2 plaintiffs.

3 MS. GANS: And Courtney Gans with Sher
4 Tremonte representing the plaintiffs.

5 MS. SANTORA: Victoria Santora,
6 Department of Justice representing defendants.

7 MR. BEAUMONT: Taylor Beaumont,
8 Department of State, counsel for defendants.

9 MS. TALKOVSKY: Sarah Talkovsky
10 counsel for Department of State, the
11 defendants.

12 MS. STROKUS: Jessica Strokus from
13 DOJ representing the defendants.

14 THE VIDEOGRAPHER: Court reporter
15 today Okeemah Henderson also with Everest will
16 now administer the oath. You can proceed.

17 JOHN ARMSTRONG,
18 was called as a witness, and having been first
19 duly sworn, was examined and testified as
20 follows:

21 EXAMINATION

22 BY MS. CONLON:

23 Q. Good morning.

24 A. Good morning.

25 Q. Have you been deposed before?

1 A. Yes.

2 Q. Recently?

3 A. No.

4 Q. I'm just going to review
5 deposition basics for one moment so we are on
6 the same page. Because Ms. Henderson, our
7 court reporter, is taking down everything you
8 say, please give verbal responses so they're
9 reflected in the transcript.

10 If you don't understand the question
11 that I ask, please let me know, and I will do
12 my best to rephrase.

13 If you want a break at any point also
14 just let us know. If a question is pending
15 I'll ask that you answer it before then, but we
16 can break any time.

17 I have to ask this every time. Are you
18 taking any medication that could affect your
19 ability to testify truthfully today

20 A. No.

21 Q. Is there any reason why you
22 couldn't provide truthful testimony today?

23 A. No.

24 Q. Okay. Great so Mr. Armstrong,
25 you said you have been deposed before, can you

1 tell me approximately when that was?

2 A. Approximately ten years ago.

3 Q. Did it have anything to do with
4 your work?

5 A. Yes.

6 Q. Do you recall what case that
7 was in?

8 A. No.

9 Q. Have you ever testified in a
10 court?

11 A. Yes.

12 Q. When was that?

13 A. Approximately 12 years ago.

14 Q. Not since then?

15 A. No.

16 Q. Was that also in connection
17 with your work?

18 A. Yes.

19 Q. Today you're here with a number
20 of attorneys, and I'm sure they'll advise you
21 about what to answer and what not to, but I
22 just want to start with asking whether you
23 spoke with anyone about your testimony here
24 today before coming to testify?

25 A. Yes.

1 Q. Who did you speak with?

2 A. I spoke with the attorneys from
3 the Government. I spoke with my wife. I
4 mentioned it to many colleagues at work. I
5 don't know -- recall all of them, but they need
6 to know are I am.

7 Q. Did you discuss the expected
8 substance of your testimony with any of your
9 colleagues from work?

10 A. With the attorneys.

11 Q. With anyone who wasn't a
12 lawyer?

13 A. Yes.

14 Q. Who did you speak about the
15 likely subject matter of your testimony with
16 from work?

17 A. The ones that I recall to the
18 best of my recollection are my deputy; one of
19 the other people who works in the front office,
20 Stuart Wilson; and a person who works for
21 Stuart, Jessica Norris, who is the managing
22 director.

23 Q. Who is your deputy?

24 A. Matthew Pierce.

25 Q. And you mentioned that Mr.

1 Wilson works in the front office. What does
2 "front office" mean?

3 A. It's the part of the Bureau of
4 Consular Affairs where the leadership works.

5 Q. Is that where you also work?

6 A. Yes.

7 Q. Did you speak with any of your
8 colleagues about the likely subject of your
9 testimony apart from Mr. Piece, Mr. Wilson and
10 Ms. Norris?

11 A. I don't remember.

12 Q. Please describe the
13 conversation you had with Mr. Pierce about the
14 testimony you expected to give today?

15 A. That would I would be
16 testifying and that it would involve the
17 revocation of Visas or being deposed.

18 Q. Did you have a brief
19 discussion, lengthy discussion?

20 A. Could you define.

21 MS. SANTORA: Objection. Form.

22 BY MS. CONLON:

23 Q. Sure. How long did you speak
24 with Mr. Piece about that for?

25 A. In my recollection perhaps two

1 minutes.

2 Q. Okay. Well, I would describe
3 that as brief. How long did you speak with Mr.
4 Wilson about your testimony here today?

5 A. About the same as with
6 Mr. Pierce.

7 Q. And what about with Ms. Norris?

8 A. Maybe three minutes, four,
9 three to four minutes.

10 Q. Appreciate your precision. Did
11 any of the three people that you spoke to about
12 your testimony here today give you any input --
13 withdrawn.

14 Did any of people who you spoke with
15 that we just discussed give you any
16 instructions about topics you should or
17 shouldn't address in your testimony?

18 A. I'm not sure I understand the
19 question.

20 Q. Sure. What was the response
21 that Mr. Pierce gave you in the conversation
22 that you had about your testimony?

23 A. He understood that he would
24 have to cover my duties because I cannot do my
25 duties while I'm here. As my deputy.

1 Q. What was Mr. Wilson's response
2 in the conversation that you had about your
3 testimony today?

4 A. He wished me luck.

5 Q. Anything else?

6 A. No.

7 Q. What about Ms. Norris?

8 A. Ms. Norris also wished me luck.

9 Q. Did she say anything else in
10 response to you telling her that you would be
11 testifying today about Visa revocations?

12 A. She advised me not to drink a
13 lot of caffeine before the testimony.

14 Q. Good advice. Now, your
15 attorneys may object to this question, but not
16 all of your conversations with lawyer are
17 privileged, so to the extent that you can
18 answer, what did you discuss with your lawyers
19 about testifying here today?

20 MS. SANTORA: Objection. Calls for
21 information covered by the attorney-client
22 privilege.

23 BY MS. CONLON:

24 Q. I'm specifically trying to
25 exclude that, but, as you know, not all

1 conversations between a lawyer and their client
2 are privileged, so to the extent you can answer
3 if there's anything you can say I would be
4 interested in hearing it.

5 MS. SANTORA: So I just want to
6 clarify. You're asking about conversations
7 with attorneys that were not about the legal --

8 MS. CONLON: Not the advice, not the
9 advice that was given. So I can be more
10 concrete.

11 BY MS. CONLON:

12 Q. How many times did you meet
13 with the lawyers for the government before
14 coming to testified to?

15 A. To my recollection, once.

16 Q. And when was that?

17 A. I believe it was on Tuesday.

18 Q. This week?

19 A. Yes. I believe it was this
20 week.

21 Q. And how long was that meeting?

22 A. According to my recollection, I
23 believe the meeting lasted approximately two
24 hours and 45 minutes, give or take.

25 Q. In the course of that meeting

1 or any other conversations with your lawyers,
2 were you reviewing any documents to prepare to
3 testify?

4 A. Documents were shown to me.
5 That is what I recall.

6 Q. Do you recall which documents
7 were shown to you?

8 MS. SANTORA: Objection. Calls for
9 information that's privileged by the
10 attorney-client privilege.

11 BY MS. CONLON:

12 Q. Regardless of whether they were
13 shown to you by your lawyers or not, what
14 documents did you review to prepare to
15 testified today?

16 MS. SANTORA: Objection. Form.
17 Objection. Foundation.

18 BY MS. CONLON:

19 Q. What documents did you review,
20 if any, to prepare to testified today?

21 A. I reviewed briefly what my
22 lawyers showed me or the government lawyers
23 showed me.

24 Q. Do you recall submitting a
25 declaration in this case?

1 A. I recall submitting
2 declarations in a number of cases.

3 Q. If I were to give you a copy of
4 your declaration would that refresh your
5 recollection?

6 A. It might.

7 Q. I have a copy for you, and this
8 is a copy for Ms. Henderson.

9 (Exhibit 1 was marked.)

10 THE WITNESS: I would like to review
11 the document.

12 MS. CONLON: Take your time.

13 BY MS. CONLON:

14 Q. Have you had a chance to review
15 this document?

16 A. Yes, I have.

17 Q. Do you recognize this?

18 A. I do.

19 Q. And what do you recognize it to
20 be?

21 A. The one part I don't recognize
22 is the first page that was added to it. It is
23 a declaration that I signed involving a court
24 case.

25 Q. Is this a true and accurate

1 copy of the declaration that you signed?

2 A. I believe it is a true and
3 accurate copy.

4 Q. Okay. And it's been marked as
5 Exhibit 1. Sorry. Thank you.

6 A. Sorry.

7 Q. Before we get into the
8 substance of your declaration did any of the
9 documents that you reviewed before testifying
10 help refresh your recollection about the events
11 at issue?

12 A. As I recall, the discussion
13 that took place on Tuesday, there were
14 documents that did help refresh my
15 recollection.

16 Q. Do you recall which documents
17 helped refresh your recollection?

18 A. No.

19 Q. When is the last time that you
20 saw the declaration in this case? Exhibit 1.

21 A. Thank you for clarifying. I
22 don't recall exactly.

23 Q. Okay. So let's turn to your
24 declaration and use that to talk about your
25 work. So in the first paragraph it states that

1 you are [As read] "the senior bureau official
2 within the U.S. Department of State Bureau of
3 Consular Affairs."

4 Can you tell me what the Bureau of
5 Consular Affairs is responsible for within the
6 State Department?

7 A. Yes, I can.

8 Q. Please do.

9 A. The Bureau of Consular Affairs
10 is responsible for the issuance of Visas
11 abroad, for the issuance of passports
12 domestically, and also for looking out for the
13 welfare and whereabouts of American citizens
14 abroad.

15 Q. Those three functions you have
16 described, do they overlay to the Office of
17 Oversee Citizen Services, the Office of
18 Passport Services and the Office of Visa
19 services?

20 THE COURT REPORTER: I'm sorry. Can
21 you say that again please?

22 MS. CONLON: Sure.

23 BY MS. CONLON:

24 Q. I'll take them one at a time.

25 You said that the Bureau of Consular

1 Affairs -- I'll use your words -- is
2 responsible for the issuance of Visas abroad.
3 Is that handled by the Office of Visa services?

4 A. Yes, largely.

5 Q. And you said that the Bureau of
6 Consular Affairs looks out for the welfare of
7 American citizens abroad. Is that handled by
8 the Office of Overseas Citizen Services?

9 A. Yes, principally.

10 Q. And the off -- I'm sorry. You
11 said that the Bureau of Consular Affairs is
12 also responsible for the issuance of passports.
13 Is that handled by the Office of Passport
14 Services?

15 A. Yes, largely.

16 Q. Are there any other offices
17 within the Bureau of Consular Affairs apart
18 from the three I just mentioned?

19 A. It is my recollection that
20 there is also the Office of Fraud Prevention,
21 the Office of Congressional and Public Affairs,
22 the comptroller's Office, the executive
23 director's office, a personnel office. There
24 is also an Office of Career Development called
25 1CA. There's the front office, where I work.

1 Those are all the offices I remember.

2 There may be others. I do not have the
3 organizational chart in front of me.

4 Q. And who else works in the front
5 office with you?

6 A. Mr. Pierce; Mr. Wilson;
7 Elizabeth Gracon, who's a deputy -- acting
8 deputy to assistant secretary; Vlad Lipschutz,
9 who is also an acting -- is a deputy assistant
10 secretary; Maureen Smith, who is a senior
11 advisor; Jaffar Dias, who is chief of staff,
12 functionally chief of staff.

13 Q. Okay. I'm sorry. Go ahead.

14 A. Would you like me to finish?

15 Q. Yes. Please.

16 A. There are also four staff --
17 staffers. Marci, Noe, JP, Rachel, and I have a
18 scheduler temporarily, Zoran Milotvic (ph).
19 Normally, it's Amanda, and I forgot her last
20 name. Oh, one more person, Joe. And he's new,
21 I don't remember his last name. He's a White
22 House fellow political appointee.

23 Q. Thank you. So in terms of your
24 role, you specifically for the Bureau of
25 Consular Affairs oversee the Office of Oversea

1 Citizen Services, Passport Services and Visa
2 Services; is that correct?

3 A. Partly correct.

4 Q. What part of that is incorrect?

5 A. I oversee the operations of
6 whole bureau, and I'm responsible for all of
7 it.

8 Q. You oversee the operations of
9 the whole bureau, but you are specifically
10 assigned to those three offices, or do you
11 oversee every office you mentioned?

12 A. I'm responsible for the
13 complete operations of the bureau. The top
14 dog, the head honcho.

15 Q. You're the boss.

16 A. Yes.

17 Q. Of the offices you mentioned,
18 do any of the offices play a role in the
19 issuance after revocation of Visas apart from
20 the Office of Visa Services?

21 A. It is possible, depending on
22 the circumstances of a particular case, that
23 the fraud prevention program would have a role
24 in researching information.

25 Q. Can you tell me more about what

1 the fraud prevention program does generally?

2 MS. SANTORA: Objection. Vague.

3 BY MS. CONLON:

4 Q. What is the fraud prevention
5 program?

6 A. It is responsible for
7 preventing fraud in Visas and passports and any
8 other operations.

9 Q. When you say, "any operations,"
10 can you be more specific?

11 A. Yes. If there were documents,
12 say consular reports of birth, issued
13 fraudulently abroad, that is not a passport.
14 It is not a Visa.

15 Q. Okay. You may not recall, but
16 when you drafted this declaration or signed it,
17 it says [As read] "I base this declaration on
18 my review of Department of State records."

19 Do you recall which Department of State
20 you records reviewed?

21 A. No.

22 Q. Your declaration states you
23 also [As read] "based your declaration on
24 discussion with other Department of State
25 employees."

1 Who did you speak with?

2 A. I do not remember exactly who I
3 spoke with.

4 Q. Who do you -- withdrawn.

5 You've prepared declarations for other
6 cases as well?

7 A. It is my recollection that I
8 have.

9 Q. Who do you ordinarily speak
10 with before you prepare a declaration?

11 MS. SANTORA: Objection. Form.

12 BY MS. CONLON:

13 Q. Who have you spoken to in the
14 past before preparing a declaration?

15 A. It is my recollection that I
16 would speak to people who are involved in Visa
17 revocations.

18 Q. And who would that be?

19 A. It could be but not limited to
20 Ms. Morris, previously mentioned; DAS, Deputy
21 Assistant Secretary Wilson, previously
22 mentioned; the previous acting principal deputy
23 assistant secretary, Shane Myers; Senior
24 Advisor Smith, previously mentioned; Taylor
25 Beaumont could be a person in that group.

1 There could be other staff. I don't
2 remember everyone I spoke to.

3 Q. You mentioned Senior Advisor
4 Smith. What does the senior advisor do?

5 A. Senior Advisor Smith takes part
6 in the leadership discussions, advises and
7 handles special projects.

8 Q. Do any of Senior Advisor
9 Smith's special projects relate to Visa
10 revocations?

11 MS. SANTORA: Objection. Foundation.
12 BY MS. CONLON:

13 Q. You can still answer a question
14 that she's objected to for form or foundation.

15 MS. SANTORA: You can answer.

16 THE WITNESS: Am I required to answer
17 the question?

18 MS. SANTORA: You are required to
19 answer the question.

20 THE WITNESS: Thank you, Counsel.

21 A. It is my recollection that some
22 of her duties have dealt with Visa revocations.

23 BY MS. CONLON:

24 Q. What particular duties of hers
25 have dealt with Visa revocations?

1 A. It is my recollection that it
2 involved specific cases, but I don't recall
3 exactly which ones.

4 Q. What was her role in the cases
5 that she was involved in?

6 A. It is my recollection that she
7 would review the cases, the grounds for
8 revocation.

9 THE WITNESS: How's that coffee
10 doing?

11 MR. WILKENS: This is Scott Wilkens.
12 I just want to put one thing on the record.
13 I've just been noticing most times that you,
14 Mr. Armstrong, before you answer a question
15 that's been asked, you look at Mr. Beaumont,
16 counsel for the State Department, and you look
17 to see if there's a nod or there's an objection
18 from him, and then you answer. And I just want
19 to put on the record that that's completely
20 improper. It's basically coaching the witness,
21 and I would ask that that stop and that you
22 allow the witness to answer the question
23 without your nod and say-so.

24 BY MS. CONLON:

25 Q. You said that Ms. Smith has

1 reviewed cases --

2 THE WITNESS: Just a moment. I'd
3 like to talk to my counsel or the Government
4 counsel.

5 MS. CONLON: Do you want to take a --

6 THE WITNESS: I'll take your
7 question.

8 MS. CONLON: Oh, no, no. It's okay.
9 I haven't even asked it yet. It's totally
10 fine. We can take a break.

11 MS. SANTORA: Yes. We may go to our
12 break room.

13 MS. CONLON: Yes. That's okay.

14 THE VIDEOGRAPHER: Off the record at
15 10:47 a.m.

16 (A break was taken at 10:47 a.m.)

17 (Proceedings resumed at 11:01 p.m.)

18 THE VIDEOGRAPHER: We are back on the
19 record, 11:01.

20 BY MS. CONLON:

21 Q. Okay. Before we went off the
22 record we were discussing Ms. Smith, a senior
23 advisor's work on Visa revocations, so I want
24 to return to that.

25 A. Yes.

1 Q. You mentioned that one of her
2 special projects has involved reviewing cases
3 on the grounds for revocation; is that correct?

4 A. That is my recollection.

5 Q. Is there any particular type of
6 cases she was assigned to review?

7 A. I do not recall.

8 Q. Do you recall whether any of
9 the cases she has reviewed as part of that
10 project involved student protestors?

11 A. I do not recall.

12 Q. Who assigned Ms. Smith a
13 special project related to Visa revocations?

14 A. It would have either been
15 myself, then acting deputy assistant -- I'm
16 sorry -- then acting principal deputy assistant
17 secretary Shane Myers and possibly deputy
18 assistant secretary Wilson, Stuart Wilson.

19 Q. Just is to keep the cast of
20 characters straight, is Mr. Myers still in the
21 State Department?

22 A. It is my understanding he is
23 preparing for his retirement, but at this
24 moment he is actually still a State Department
25 employee. He is no longer in the position he

1 was in.

2 Q. Do you know what position he is
3 in now?

4 A. I do not.

5 Q. Okay. So you said that you,
6 Mr. Myers or Mr. Wilson likely assigned
7 Ms. Smith the special project relating to Visa
8 revocations; is that right?

9 A. Yes. That is my recollection.

10 Q. Do you recall what the purpose
11 of the project was?

12 A. To determine whether a
13 revocation was in order.

14 Q. When was this project assigned
15 to her, approximately?

16 A. Sometime between March 1st
17 through the end of May.

18 Q. Sorry. You're saying that the
19 project began sometime after March 1st?

20 A. Yes. That is my recollection.

21 Q. Do you recall what prompted the
22 creation of the project?

23 MS. SANTORA: Objection. Form.

24 Objection. Foundation.

25 BY MS. CONLON:

1 Q. Why was the project created?

2 A. Because there was a need to
3 review a case.

4 Q. There was a need to review a
5 single case?

6 A. I'm not sure if it's single or
7 multiple.

8 Q. I know you're not sure who
9 assigned the project to Ms. Smith, but who
10 called for the creation of the project?

11 A. I'm not sure. One of those
12 three people. Ms. Smith has many special
13 projects.

14 Q. Does she have any other special
15 projects relating to Visa revocations?

16 A. She has other special projects
17 relating to Visas.

18 Q. Do those other projects relate
19 to revocations?

20 A. To my knowledge -- I don't
21 know. I don't know. I do not know all the
22 details of every project Ms. Smith is working
23 on.

24 Q. Does Ms. Smith have a direct
25 supervisor?

1 A. Supervision is shared between
2 myself and whoever is in the position of the
3 principal deputy assistant secretary.

4 Q. And that was Mr. Myers, and
5 remind me, who is it now?

6 A. Since last Friday it is Matthew
7 Pierce.

8 Q. Do you recall if there was a
9 particular type of Visa that she was reviewing
10 for revocation?

11 A. No. I do not recall what type
12 of Visa. I -- it seems to me based on my
13 knowledge that it would have been a
14 nonimmigrant Visa, also known as NIV.

15 Q. What types of Visas are covered
16 by the category of nonimmigrant Visa?

17 A. Visas for temporary stays in
18 the United States.

19 Q. Does that include student
20 Visas?

21 A. Yes.

22 Q. To your knowledge, is
23 Ms. Smith's project relating to Visa
24 revocations ongoing?

25 A. It seems to me it is -- it was

1 completed.

2 Q. Do you know when it was
3 completed?

4 A. Sometime between the beginning
5 of March and the end of May. She has had many
6 ongoing -- many special projects.

7 Q. You mentioned she had other
8 projects relating to Visas. Do you know what
9 any of the other Visa-related projects are?

10 A. Am I required to answer that
11 question?

12 Q. Yes.

13 A. I know some of them. Some of
14 them are classified.

15 Q. As to the nonclassified Visa
16 projects that Ms. Smith works on, what do you
17 know about them?

18 MS. SANTORA: Objection. Form.

19 BY MS. CONLON:

20 Q. You can answer.

21 A. Am I required to answer?

22 Q. Unless your counsel invokes a
23 privilege, you are generally required to
24 answer?

25 MS. SANTORA: I will also object on

1 the grounds that to the extent the response
2 calls for privileged or classified information,
3 do not answer.

4 A. That is difficult.

5 Excuse me. I'm going to have to take a
6 break.

7 Q. Well, let me just repeat the
8 question in case that makes it clearer as to
9 Ms. Smith's nonclassified Visa projects.

10 What -- well, withdrawn.

11 What do you know about Ms. Smith's
12 nonclassified Visa projects?

13 MS. SANTORA: I'll repeat the
14 Objection to form and also object on the
15 grounds to the extent that your response would
16 call for even information that's privileged, to
17 not answer.

18 MS. CONLON: For the record, can you
19 just state what kind of information -- what
20 kind of privilege you're talking about in this
21 objection.

22 MS. SANTORA: Would be the law
23 enforcement privilege.

24 BY MS. CONLON:

25 Q. Okay. Let's try this another

1 way. Without saying what it is, do you have
2 familiarity with any of the other Visa projects
3 that Ms. Smith works on?

4 A. Yes. I have familiarity with
5 some of the other Visa projects that Ms. Smith
6 works on.

7 Q. Do you work on any of those
8 projects with her?

9 A. I advise -- yes. Yes. I do
10 work on some of those projects with her and
11 with other people.

12 Q. What are the -- speaking about
13 the projects that you work on with her, what
14 are the topics of those projects to the extent
15 they are not classified?

16 MS. SANTORA: Also object. To the
17 extent that the response would call for
18 nonclassified but privileged information that
19 are law enforcement or deliberative in nature,
20 do not answer.

21 A. I'm sorry. I need to ask a
22 question of counsel.

23 MS. CONLON: I was going to say, it
24 seems like -- I appreciate that having --
25 asking the witness to decide if it is

1 privileged puts the witness in a difficult
2 position. If you want to confer before you
3 respond, we don't have a problem with that.

4 THE WITNESS: I would like to confer.

5 MS. CONLON: Okay.

6 THE VIDEOGRAPHER: Off the record,
7 11:10.

8 (A break was taken at 11:10 a.m.)

9 (Proceedings resumed at 11:22 p.m.)

10
11 THE VIDEOGRAPHER: We're back on the
12 record, 11:22.

13 BY MS. CONLON:

14 Q. Mr. Armstrong, did you have an
15 opportunity to confer with counsel about the
16 question I posed before the break?

17 A. Yes, I did. Thank you very
18 much.

19 Q. So I'll ask it again. What are
20 the projects, special projects that you work on
21 with Ms. Smith regarding Visas to the extent
22 they're not classified?

23 A. The projects that I work with
24 with special advisor Maureen Smith, to the best
25 of my recollection that they're not classified

1 or revealing law enforcement or deliberative
2 information would be involving Visas, some
3 immigrant Visas. Looking at the use of the 3-C
4 policy, possibility to do a Visa bond for NIV.
5 Am I going too fast?

6 MS. CONLON: No. It's catching up.
7 I have a transcript from Ms. Henderson. Well,
8 it's not too fast for me. Ms. Henderson is the
9 person to ask.

10 A. Diversity Visas.

11 Q. What are diversity Visas?

12 A. My understanding of the
13 diversity Visa program was it's also known as
14 the Visa lottery. Are you familiar with that?

15 Q. I am not.

16 A. It's a program where people
17 from different countries can apply like in a
18 lottery to be drawn, be picked randomly to
19 receive the opportunity to immigrate to the
20 United States.

21 And I believe, as I understand it, it's
22 called diversity Visa -- it's existed three
23 decades, maybe a little more, maybe a little
24 less -- because it was based on bringing
25 diversity to the U.S. population by -- and

1 there may be a formula for this, I do not know.
2 And I do not want to put out suppositions on
3 what countries based on previous immigration
4 levels can partake.

5 And not every country receives the same
6 number of spots. It's in part based on
7 population. For example, a small country like
8 the Bahamas, where I worked previously, may
9 only receive ten spots. A large country like
10 Ukraine may receive 2000 spots

11 Q. You mentioned something called
12 the 3C policy. What are you referring to?

13 A. If I remember correctly,
14 it's -- 3C refers to the section of the
15 Immigration and Naturalization Act which
16 describes this policy that gives the Secretary
17 of State the authority to deny Visas to certain
18 classes or types of an aliens based on various
19 criteria, what they have done.

20 Q. Before we move on, was there
21 any other type of -- did I interrupt you -- was
22 there any other type of project you were trying
23 to mention?

24 A. Not that I recall.

25 Q. So with respect to the 3C

1 policy, is that -- withdrawn.

2 You said that it comes from a statutory
3 provision in the INA; is that right?

4 A. That's my understanding, yes,
5 and that's where the name comes from.

6 Q. Is that known as the foreign
7 policy provision?

8 A. There's a couple of actual
9 foreign policy provisions. I'm not sure
10 whether it's 3C or -- I'm sorry. I don't want
11 to speculate.

12 Q. No, it's okay. Is the 3C
13 policy project a special project run by
14 Ms. Smith?

15 A. She is one of people who works
16 on it.

17 Q. And who else works on it
18 besides her?

19 A. I work on it with her, DAS
20 Wilson, previously mentioned. Andrew Veprek I
21 believe works on it with her to some degree.

22 Q. Anybody else?

23 A. The previous principal deputy
24 assistant secretary acting, Mr. Myers, may have
25 worked on it with her. I believe so, but I'm

1 not 100 percent sure. My recollection is not
2 fully clear in that area.

3 Q. Anybody else?

4 A. Not that I recall.

5 Q. So to the best of your
6 knowledge the people who work on the 3C policy
7 project are that Mr. Wilson, Mr. Veprek,
8 potentially Mr. Myers and yourself?

9 A. I believe that's a different
10 question. You asked who works on it with Ms.
11 Smith. There may be other people working on it
12 that I am not aware of.

13 Q. To the best of your knowledge
14 those are the only people working on it?

15 A. Yes.

16 Q. What is Mr. Veprek's role?

17 A. He is -- he works for the
18 counselor, Mr. Needham, Michael Needham.

19 Q. You said the counselor?

20 A. The counselor. It's a
21 position.

22 Q. Okay. Is that a position in
23 the Bureau of Consular Affairs?

24 A. No. It's counselor in the
25 since of counsel rather than consular.

1 Q. He works for the Department of
2 State.

3 A. Yes.

4 Q. Is he the lead counsel for the
5 Department of State?

6 A. I do not know. I do not
7 believe so. I believe that's the legal
8 advisor. Legal colleagues from the department
9 may be able to answer that.

10 Q. Okay. With respect to the 3C
11 policy, when did that special project begin?

12 A. Perhaps in March.

13 Q. When you said earlier that Ms.
14 Smith has a special project related to Visa
15 revocations, were you referring to the 3C
16 policy project?

17 A. No.

18 Q. What project -- withdrawn.

19 What is the difference between the 3C
20 policy project and the special project relating
21 to Visa revocations?

22 MS. SANTORA: Objection. Calls for
23 information privileged under the deliberative
24 process privilege.

25 THE WITNESS: Am I required to

1 answer?

2 MS. SANTORA: No.

3 BY MS. CONLON:

4 Q. What is the purpose of the 3C
5 policy project?

6 MS. SANTORA: Objection. Calls for
7 information privileged under the deliberative
8 process privilege.

9 MS. CONLON: Are you instructing your
10 witness not to answer, just to be clear for the
11 record?

12 MS. SANTORA: Yes.

13 MS. CONLON: I have a series of
14 questions about it that I will ask,
15 understanding that you may object, so you
16 should wait for your counsel to object.

17 A. I will wait.

18 Q. Okay. What is the scope of the
19 3C policy project?

20 MS. SANTORA: Objection. Calls for
21 information privileged under the deliberative
22 process privilege and instruct the witness not
23 to answer.

24 BY MS. CONLON:

25 Q. Has the 3C policy been

1 finalized by the Department of State?

2 THE WITNESS: May I answer the
3 question?

4 MS. SANTORA: No objection. You can
5 answer.

6 A. There are many 3C policies in
7 existence.

8 BY MS. CONLON:

9 Q. Has the 3C policy -- has the 3C
10 policy special project that Ms. Smith works on
11 with you been finalized.

12 A. No.

13 Q. Do you have an understanding of
14 when it is likely to be finalized?

15 A. Soon.

16 Q. What does its finalization
17 depend on?

18 MS. SANTORA: Object. Calls for
19 information privileged under the deliberative
20 process privilege. I'm instructing the witness
21 not to answer.

22 BY MS. CONLON:

23 Q. When did the 3C policy that is
24 part of the special project with Ms. Smith
25 begin to be developed?

1 A. It seems to me, to the best of
2 my recollection, in March, but I may have been
3 earlier because I only entered in my job on
4 February 27th, and my knowledge of events
5 before that time is limited.

6 Q. Who was in your role before
7 you, before February, 27?

8 A. Julie Stufft.

9 Q. What will role does she have
10 now?

11 A. I believe that she is the
12 executive secretary at the national security
13 counsel.

14 Q. Did you have any discussions
15 with Ms. Stufft before taking on her role about
16 the 3C policy project?

17 A. I do not know. I do not
18 recall.

19 Q. Has the 3C policy that's part
20 of Ms. Smith's special project been applied?

21 THE WITNESS: Am I required to
22 answer?

23 MS. SANTORA: Yes.

24 A. The part that Ms. Smith is
25 working on has not been finalized, therefore it

1 has not been applied.

2 BY MS. CONLON:

3 Q. Is there -- withdrawn.

4 You said the part that Ms. Smith is
5 working on has not been finalized. What -- is
6 there a part of the 3C policy project that has
7 been finalized?

8 A. There are many 3C policies in
9 existence that have been finalized for various
10 things. The specific policy that Ms. Smith has
11 been working on has not been finalized and
12 remains deliberative.

13 Q. Does the 3C policy project that
14 Ms. Smith been working on address when the
15 Secretary of State can exercise authority under
16 3C?

17 MS. SANTORA: Objection. Calls for
18 information under the deliberative process
19 privilege. I instruct the witness not to
20 answer.

21 BY MS. CONLON:

22 Q. Does the 3C policy address --
23 well withdrawn.

24 Does the 3C policy call for the
25 creation of any new processes in the State

1 Department?

2 MS. SANTORA: Same objection. I
3 instruct the witness not to answer.

4 MS. CONLON: Just one second.

5 BY MS. CONLON:

6 Q. Does the 3C policy establish
7 any standard or criteria for the application of
8 the foreign policy provision?

9 MS. SANTORA: Same objection. I
10 instruct the witness not to answer.

11 BY MS. CONLON:

12 Q. Does the 3C policy set forth
13 what the United States foreign policy interests
14 are with respect to the application of 3C?

15 MS. SANTORA: Same objection. I
16 instruct the witness not to answer.

17 BY MS. CONLON:

18 Q. The questions that I have asked
19 you that your counsel has objected to, without
20 answering any of them, for the record can you
21 tell us whether you know the answers?

22 A. I do not remember the questions
23 that were asked.

24 MS. SANTORA: Objection form.
25 Foundation. Can you repeat --

1 GOVERNMENT COUNSEL: I'll ask.

2 BY MS. CONLON:

3 Q. Do you know whether the 3C
4 policy project that Ms. Smith is working on
5 establishes a standard or criteria for the
6 application of the foreign policy provision?
7 Just do you know.

8 A. Do I know what?

9 Q. Whether it establishes any
10 standard or criteria for the application of the
11 foreign policy provision?

12 A. I do not know with certainty.

13 Q. Do you have information about
14 that?

15 A. About my certainty or about the
16 3C policy?

17 Q. Let me say it another way.

18 Without telling us about it, are you
19 familiar with the substance of the work on the
20 3C policy project that Ms. Smith is doing?

21 A. Yes.

22 Q. Are you familiar with the aims
23 of the 3C policy project?

24 MS. SANTORA: Objection. Form.

25 BY MS. CONLON:

1 Q. You can answer.

2 MS. SANTORA: You can answer.

3 A. Could you repeat the question,
4 please.

5 BY MS. CONLON:

6 Q. Sure. Are you familiar with
7 the aims of the 3C policy project?

8 A. Yes.

9 Q. Are you familiar with the
10 particular grounds for revocation that the 3C
11 policy project focuses on?

12 MS. SANTORA: Objection. Foundation.

13 MS. CONLON: You can answer.

14 MS. SANTORA: You can answer.

15 A. Yes.

16 BY MS. CONLON:

17 Q. Do you know whether the 3C
18 policy project addresses the application of the
19 foreign policy provision in USC 1182(a)(3)?

20 A. I would have to see the section
21 of the law.

22 Q. You have your declaration in
23 front of you as Exhibit 1. Could you please
24 turn to page 2 of the declaration and just
25 review paragraph 6.

1 Let me know when you have had a chance
2 to review it.

3 A. My answer is no. I don't know.

4 Q. I'm sorry. I haven't asked you
5 a question.

6 A. Oh, I'm sorry. I thought you
7 did, and I asked I'd have to see the section --

8 Q. Oh, no, no. In paragraph 6
9 your declaration mentioned 8USC 1182(a)
10 subsection 3, right?

11 A. That is what it says.

12 Q. Are you familiar with that
13 statute?

14 MS. SANTORA: Objection. Form.

15 MS. CONLON: You can answer.

16 MS. SANTORA: You can answer.

17 A. I have seen it, but I do not
18 have it memorized.

19 BY MS. CONLON:

20 Q. Just asking if you're familiar
21 with it.

22 A. I have some familiarity.

23 Q. Okay. Could you please flip to
24 page 3 of your declaration, paragraph 12.
25 Please take a moment to read it.

1 A. I have read the paragraph.

2 Q. Do you know whether the 3C
3 policy project addresses the grounds for
4 removability discussed in paragraph 12 of your
5 declaration?

6 A. Yes.

7 Q. You'll object, but I will ask.
8 Does the 3C project address the grounds in
9 paragraph 12 of your declaration?

10 MS. SANTORA: Objection. Calls for
11 information privileged under the deliberative
12 process privilege. I instruct the witness not
13 to answer.

14 BY MS. CONLON:

15 Q. You mentioned that there were
16 other 3C policies within the State Department.
17 Are any of them finalized?

18 A. Yes.

19 Q. Please describe the finalized
20 3C policy from the State Department.

21 MS. SANTORA: Objection. Foundation.

22 BY MS. CONLON:

23 Q. You can answer.

24 A. There are many 3C policies. I
25 do not -- have memorized every single one. An

1 example of a 3C policy was one that was brought
2 in recently against government, foreign
3 government officials who support or facilitate
4 illegal migration to the United States.

5 An earlier 3C policy was brought in
6 against private business people who facilitate
7 illegal migration to the United States.

8 I have heard of but have less
9 familiarity with 3C policies that are against
10 persons who are gross violators of human rights

11 Q. Are those the only 3C policies
12 that you can remember as you sit here?

13 A. Yes. Those are the only 3C
14 policies that I can remember at this moment.

15 Q. Now, what makes these finalized
16 3C policies?

17 A. When they are approved by the
18 Secretary of State, which has not happened in
19 the case of this project.

20 Q. And in what form are the 3C
21 policies you have mentioned presented to the
22 Secretary of State?

23 MS. SANTORA: Objection. Foundation.
24 Objection form.

25 Go ahead.

1 A. To my knowledge, they're
2 presented as an action memo.

3 BY MS. CONLON:

4 Q. What is an action memo?

5 A. An action memo is a memo that
6 calls for action or an action being a decision.

7 Q. And are action memos written by
8 people in particular roles within the State
9 Department?

10 A. I don't understand the
11 question. Could you clarify?

12 Q. Sure. Have you written an
13 action memo?

14 A. I have drafted and I have also
15 approved many.

16 Q. Are -- is an action memo
17 required to ask the Secretary of State to adopt
18 a policy? Is that how that works?

19 MS. SANTORA: Objection. Form.

20 MS. CONLON: That's fine. I'll
21 withdraw it.

22 BY MS. CONLON:

23 Q. When is a person who works
24 for the Department of State required to draft
25 an action memo?

1 A. When there's a decision for the
2 Secretary of State to make or another
3 principal.

4 Q. Who are the other relevant
5 principals that you're referring to? Like what
6 level of official?

7 A. It can go secretary, deputy
8 secretary -- there's two -- one of the under
9 secretaries, assistant secretaries, and in some
10 cases deputy assistant secretaries, or people
11 who are encumbering those positions.

12 Q. Encumbering?

13 A. Are in that chair.

14 Q. The 3C policies that you
15 described, starting with the first one you
16 mentioned against foreign government officials
17 who support illegal migration, that was
18 presented to the secretary first in an action
19 memo?

20 A. Yes. That is my understanding
21 that it was finalized by the secretary when he
22 signed the action memo for that.

23 Q. And were you --

24 A. And it's only final at that
25 point, when the secretary has made the

1 decision.

2 Q. Do you know whether with
3 respect to the 3C project Ms. Smith is working
4 on whether an action memo has been created yet?

5 A. No.

6 Q. You don't know whether --

7 A. I do know. I do know.

8 Q. You do know.

9 A. Wait. Please -- I'm sorry.
10 Please rephrase the question.

11 Q. Yeah. No, no. Of course. The
12 question is do you know whether an action memo
13 has been created for Ms. Smith's 3C special
14 project?

15 A. The question is about my
16 knowledge.

17 Q. Correct.

18 A. Yes. I do know.

19 Q. Okay. And now I will ask you
20 has it been created?

21 MS. SANTORA: Objection. Calls for
22 information privileged under the deliberative
23 process privilege, and I instruct the witness
24 not to answer.

25 BY MS. CONLON:

1 Q. In the Bureau of Consular
2 Affairs is there anyone working on the 3C
3 special project with Ms. Smith besides you,
4 Deputy Assistant Secretary Wilson, Andrew
5 Veprek, Mr. Myers and -- nope. That's it.
6 Anybody else?

7 A. At the present time Acting
8 Principal Deputy Assistant Secretary Pierce
9 because he replaced then act -- yes, Mr. Myers.
10 To my knowledge, those are the only people
11 working on it.

12 Q. Is there any other component of
13 the State Department working on the 3C special
14 project?

15 A. Wait. There is one other
16 possible person.

17 Q. Who?

18 A. Lloyd.

19 Q. Lloyd who?

20 A. I do not know Lloyd's last
21 name. He works for Mr. Veprek.

22 Q. Do you know what his role is?

23 A. I know he works for Mr. Veprek,
24 and he may be working on this. I do not fully
25 know. I -- he does not report to me. He's in

1 the counselor's office where Mr. Needham is.

2 Q. So is there any other component
3 of the State Department working on the 3C
4 special project?

5 A. To my knowledge, no.

6 Q. Is there any component of the
7 Department of Homeland Security working on the
8 3C special project?

9 MS. SANTORA: Objection. Calls for
10 information privileged under the deliberative
11 process privilege. I instruct the witness not
12 to answer.

13 BY MS. CONLON:

14 Q. Is the 3C special project
15 interagency project?

16 MS. SANTORA: Objection. Calls for
17 information privileged under the deliberative
18 process privilege. I instruct the witness not
19 to answer.

20 BY MS. CONLON:

21 Q. Without telling me the answer,
22 do you know whether any component of the
23 Department of Homeland Security works on the 3C
24 special project?

25 A. I do not know.

1 Q. Do you know whether any other
2 agency works on the 3C special project?

3 A. I do not know.

4 Q. Do you know whether the White
5 House is involved in the 3C special project?

6 A. I do not know.

7 Q. Do you know whether the 3C
8 special project involves anti-Semitism?

9 A. I do not know.

10 Q. Do you know whether the 3C
11 special project relates in any way to student
12 protests?

13 A. Could you repeat the question?

14 Q. Sure. Do you know whether the
15 3C special project relates in any way to
16 student protests?

17 A. I do.

18 Q. Do you know whether the 3C
19 special project relates in any way to colleges
20 and universities?

21 A. I do.

22 Q. Do you know whether the 3C
23 special project relates in any way to
24 provisions of the INA regarding support for
25 foreign terrorist organizations?

1 A. Could you repeat the question,
2 plea.

3 Q. Sure. Do you know whether the
4 3C special project relates in any way to
5 provisions of the INA regarding support for
6 foreign terrorist organizations?

7 A. I do.

8 Q. Do you know whether the
9 special -- the 3C special project relates in
10 any way to concerns regarding Hamas?

11 A. I do.

12 MS. CONLON: Just one second.

13 BY MS. CONLON:

14 Q. I expect your counsel will
15 instruct you not to answer the next series of
16 questions, so I'm going to let you make sure
17 you get a chance to pause. We're going to go
18 through what I just asked you. Okay.

19 Does the 3C special project relate in
20 any way to anti-Semitism?

21 MS. SANTORA: Objection. Calls for
22 information privileged under the deliberative
23 process privilege. I instruct the witness not
24 to answer.

25 THE COURT REPORTER: I'm sorry. Say

1 it one more time.

2 MS. SANTORA: Objection. Calls for
3 information privileged under the deliberative
4 process privilege. I instruct the witness not
5 to answer.

6 BY MS. CONLON:

7 Q. Does the 3C special project
8 relate in any way to student protests?

9 MS. SANTORA: Same objection. I
10 instruct the witness not to answer.

11 BY MS. CONLON:

12 Q. Does the 3C special project
13 relate in any way to colleges or universities?

14 MS. SANTORA: Same objection. I
15 instruct the witness not to answer.

16 BY MS. CONLON:

17 Q. Does the 3C project relate in
18 any way to INA provisions regarding support for
19 foreign terrorist organizations?

20 MS. SANTORA: Same objection. I
21 instruct the witness not to answer.

22 BY MS. CONLON:

23 Q. Does the 3C special project
24 relate in any way to INA provisions regarding
25 those who espouse or endorse -- who espouse or

1 endorse support for foreign terrorist
2 organizations?

3 MS. SANTORA: Same objection. I
4 instruct the witness not to answer.

5 BY MS. CONLON:

6 Q. Does the 3C special project
7 relate in any way to concerns regarding Hamas?

8 MS. SANTORA: Same objection. I
9 instruct the witness not to answer.

10 BY MS. CONLON:

11 Q. Was the special project created
12 in response to the executive orders that you
13 mentioned in your declaration?

14 And for the record, those are Executive
15 Order 14161 and Executive Order 14188?

16 A. I do not know off the top of my
17 head the subject of those executive orders, so
18 I cannot answer the question.

19 Q. Okay.

20 A. So I do not know.

21 Q. Executive Order 14161 is titled
22 [As read] "Protecting the United States from
23 foreign terrorists and other national security
24 and public safety threats."

25 Are you familiar with that executive

1 order?

2 A. Yes.

3 Q. Executive Order 14188 is titled
4 [As read] "Additional measures to combat
5 anti-Semitism."

6 Are you familiar with that executive
7 order?

8 A. Yes.

9 Q. To your knowledge does the 3C
10 special project relate to either of those
11 executive orders?

12 A. To my knowledge, yes, either.

13 Q. Does the 3C special project
14 relate to both of those executive orders?

15 A. To my knowledge?

16 Q. Yes.

17 A. To my knowledge, no.

18 Q. Which of two executive orders
19 does the 3C special project relate to?

20 A. It is my recollection that it
21 relates to the first one that you mentioned.

22 Q. Executive Order 14161
23 "Protecting United States from foreign
24 terrorists and other national security and
25 public safety threats"?

1 A. Yes.

2 Q. To your knowledge the 3C
3 special project does not relate to the
4 Executive Order 14188 additional measures to
5 combat anti-Semitism?

6 A. That is correct, to my
7 recollection.

8 Q. When an action memo is sent to
9 secretary Rubio with a policy and he signs off
10 on it, how does that policy get published to
11 the public, if at all?

12 MS. SANTORA: Objection. Foundation.
13 Objection. Form. You can answer.

14 A. To my knowledge, after the
15 Secretary of State -- regardless of who it is,
16 long-standing procedure -- makes the positive
17 decision and signs the action memo, the policy
18 is made public in a statement.

19 BY MS. CONLON:

20 Q. Are you finished answering?

21 A. Yes, I am.

22 Q. When you say it's "made public
23 in a statement," is that in a formal press
24 release?

25 A. It is a statement that is open

1 to the public. It may come from the
2 spokesperson's office or the people who handle
3 that. I do not work in those areas. I'm not
4 expert on them.

5 Q. Do you know whether the final
6 policy after it's signed by the secretary is
7 published to the department's website?

8 A. I do not know.

9 Q. What we're discussing is the
10 formal policy process, policy-making process of
11 the State Department; is that fair?

12 A. Perhaps I misunderstood your
13 question. You asked how it was made public.

14 Q. Yes. Sorry. So once a policy
15 has been reached by the State Department
16 internally, the last step is that it is
17 announced to the public and published; is that
18 right?

19 MS. SANTORA: Objection. Form.

20 A. It is also -- in regard to 3C
21 there is usually a cable sent to missions
22 abroad in the form of an ALDAC.

23 Q. In the form of a what? I'm
24 sorry.

25 A. ALDAC.

1 Q. What is that?

2 A. All Diplomatic and Consular
3 posts, usually with a precedence of immediate.

4 Q. Got it. This will seem maybe
5 like a silly question but are the ALDAC and
6 consular posts, they are under the guise of the
7 Bureau of Consular Affairs?

8 A. No, not fully.

9 Q. What other office of the State
10 Department do they fall under?

11 A. They also fall under the
12 regional bureaus.

13 Q. The regional bureaus of the
14 State Department?

15 A. Yes.

16 Q. Which are distinct from the
17 Bureau of Consular Affairs?

18 A. Yes.

19 Q. But the Bureau of Consular
20 Affairs can develop policies that are conveyed
21 to the ALDAC?

22 A. Through the ALDAC.

23 Q. Through the ALDAC.

24 A. Through the ALDAC.

25 Q. Okay.

1 A. That is correct.

2 Q. Back to how final policies by
3 the State Department are made public, to your
4 knowledge has the Secretary of State ever made
5 public a final policy of the State Department
6 in a press conference?

7 A. I do not know.

8 Q. To your knowledge has the
9 Secretary of State ever made public any final
10 policy of the State Department on social media?

11 A. I do not know.

12 Q. To your knowledge has the
13 Secretary of State ever made public a finalized
14 policy of the State Department in news media?

15 A. I do not know for sure.

16 Q. To your knowledge has the
17 Secretary of State made public statements about
18 the finalized policy of the State Department on
19 social media?

20 A. I do not know for sure.

21 Q. Is there a person in the State
22 Department who is -- who is responsible for
23 monitoring the Secretary of State's public
24 statements?

25 A. I do not know.

1 MS. SANTORA: Objection. Form.

2 BY MS. CONLON:

3 Q. Are you aware of any finalized
4 3C policies regarding Executive Order 14161
5 protecting the United States from foreign
6 terrorists and other national security and
7 public safety threats?

8 A. Any 3C policies?

9 Q. Yes, sir.

10 A. So that means they would have
11 come in after the executive order.

12 Q. Yes.

13 A. I'm not sure.

14 Q. Are you aware of any 3C
15 policies developed by the State Department
16 consistent with Executive Order 14188,
17 Additional Measures to Combat Anti-Semitism?

18 MS. SANTORA: Objection. Form.

19 A. I'm not sure.

20 BY MS. CONLON:

21 Q. Do you know whether the State
22 Department has developed any policies
23 consistent with either of the two executive
24 orders?

25 MS. SANTORA: Objection. Form.

1 A. I'm not sure. I don't know.

2 BY MS. CONLON:

3 Q. Are all of the action memos --
4 well, withdrawn.

5 Do you receive copies of action memos
6 submitted to the secretary with proposed policy
7 for the State Department?

8 MS. SANTORA: Objection. Form.

9 BY MS. CONLON:

10 Q. You can answer.

11 A. At what point?

12 Q. At some point before they go to
13 the secretary.

14 A. Yes, but not all.

15 Q. Do you receive action memos
16 regarding Visa revocation policy before they
17 are sent to the secretary?

18 A. I do not recall an action memo
19 on Visa revocation policy.

20 Q. You don't recall ever receiving
21 one?

22 A. What do you mean by "Visa
23 revocation policy"?

24 Q. Do you receive action memos
25 regarding Visa revocations before they are sent

1 to the secretary?

2 A. Under what part of the INA?

3 Q. Any part.

4 A. Yes. I have received memos to
5 the secretary on that under various parts of
6 the INA.

7 Q. Have you received memos to the
8 secretary under the part of the INA described
9 in your declaration in paragraph 1, "Security
10 and Related Grounds of Inadmissibility"?

11 A. Yes.

12 Q. Your answer is yes?

13 A. Yes. Yes. My answer is yes.

14 Q. Do you receive memos to the
15 secretary under the related provision of the
16 INA related to what you cite in paragraph 12
17 but for removability?

18 MS. SANTORA: Objection. Foundation.

19 BY MS. CONLON:

20 Q. You can answer if you know.

21 A. It is my understanding that the
22 Department of State can remove no one, only DHS
23 can remove people or other deputized law
24 enforcement.

25 Q. The Department of State makes

1 determinations about removability, correct?

2 A. We make determinations about
3 Visa status. Visa status.

4 Q. Including a determination that
5 a person's Visa should be revoked, correct?

6 A. Yes.

7 Q. Including the determination
8 that a person is removable under the INA,
9 correct?

10 A. I don't know. I am not a
11 lawyer.

12 Q. Have you received action memos
13 to the secretary regarding whether a person is
14 removable for a security or related ground
15 under the INA of any provision?

16 A. I do not recall.

17 Q. Now, you also mention in your
18 declaration another provision of the I&A on
19 page 2 at paragraph 8. Can you please turn to
20 that page?

21 A. What was the page?

22 Q. Page 2.

23 A. And the paragraph?

24 Q. Paragraph 8.

25 A. Thank you.

1 Q. If you could just take a moment
2 to look at that first full sentence. I just
3 need you to look at the first sentence. Have
4 you read that?

5 A. Section 221(i).

6 Q. Yes, that's the section cited
7 there?

8 A. Okay. Would you repeat the
9 question please.

10 Q. I haven't asked it so you
11 didn't miss it.

12 A. Sure.

13 Q. Don't worry.

14 A. Well, I thought there was a
15 question, too, and I was supposed to refer to
16 this.

17 Q. It's coming. Have you received
18 any memos to the secretary with a determination
19 of inadmissibility or removability under the
20 provision cited in paragraph 8 of your
21 declaration?

22 A. Yes.

23 Q. Do you know whether the 3C
24 special policy project also concerns the
25 provision of the INA at paragraph 8 of your

1 declaration?

2 A. Yes.

3 Q. And does it concern that
4 provision?

5 MS. SANTORA: Objection. Calls for
6 information privileged under the deliberative
7 process privilege. I instruct the witness not
8 to answer.

9 BY MS. CONLON:

10 Q. In terms of finalized receipt
11 policies from the State Department, are you
12 aware of any that address concerns around
13 anti-Semitism?

14 A. I cannot say with certainty.

15 Q. Is there anything in particular
16 that you're thinking of that makes you unsure?

17 A. There are so many 3C policies,
18 I do not know them all.

19 Q. A 3C policy is 3C because it
20 falls under 1182(a)(3)(c). Is that what you
21 mean when you say 3C?

22 A. It's a section of the INA.

23 MS. CONLON: Just one second. I
24 think perhaps this will make it easier. I'm
25 going to pass you all a document. Let me just

1 make sure they're the identical number of
2 pages. Here you go for you, and for you.

3 (Exhibit 2 was marked.)

4 BY MS. CONLON:

5 Q. I am going to ask you to turn
6 to page 5 of this document, please and to look
7 at section C in the middle of the page where it
8 says foreign policy. When you've had a chance
9 to review section C on page 5, please let me
10 know.

11 A. I have had a chance to review.

12 Q. Now, we talked a moment ago
13 about section 1182 of the U.S. Code subsection
14 A, subsection 3, subsection C. Is that -- have
15 you seen this provision subsection C before?

16 A. Not this. I've seen it in the
17 INA.

18 Q. You're aware that there are
19 parallel provisions of the U.S. Code in the --

20 A. I am not.

21 Q. You're not aware of that?

22 A. I'm aware that counselor
23 offices tend to refer to the INA so I use that.

24 Q. Okay. But you understand that
25 there are identical parallel provisions

1 codified in the U.S. Code?

2 A. Yes. I misspoke. I do
3 understand that.

4 Q. And you actually cited to that
5 in your declaration?

6 A. Yes, because they're the same.

7 Q. Right. Exactly because they
8 are the same.

9 A. And yes, C, I'm familiar with
10 that.

11 Q. So when you talk about 3C
12 policies, do you mean policies developed
13 pursuant to C foreign policy on page 5 of this
14 exhibit?

15 A. Yes. There are many of them.

16 Q. Approximately how many have
17 been finalized since 2025 began?

18 A. I don't know. 20, 10, since
19 this year?

20 Q. Correct.

21 A. Since this administration,
22 since January 20.

23 Q. That's exactly right. That's
24 the question.

25 A. 10, 20.

1 Q. And you have so far mentioned
2 only three. You mentioned the 3C policy
3 against foreign Government officials who
4 support illegal migration. A similar policy
5 against private persons who support illegal
6 migration and a policy relating to gross
7 violators of human rights. You agree with me
8 that there are more?

9 A. It seems to me there are more
10 once a 3C policy is put in effect, it remains
11 in effect. So there's all the ones from the
12 previous administrations.

13 Q. Are you aware -- are you
14 familiar with any that have been put into
15 effect by this administration, the current
16 administration?

17 A. The one that I noted on the
18 officials involved in facilitating illegal
19 migration. There may be others. That is the
20 one I am aware of.

21 Q. Who in the State Department
22 develops the 3C policies under this
23 administration?

24 MS. SANTORA: Objection. Form.
25 Objection. Foundation.

1 BY MS. CONLON:

2 Q. You can answer.

3 A. It depends on the subject they
4 deal with.

5 Q. Who in the State Department
6 develops policy relating to the two executive
7 orders cited in your declaration?

8 MS. SANTORA: Objection. Foundation.

9 BY MS. CONLON:

10 Q. You can answer?

11 A. I need to refresh my memory of
12 the executive order.

13 Q. Okay. I can just save you the
14 time and tell you what they are?

15 A. Okay.

16 Q. Who, to your knowledge,
17 develops policy for the State Department
18 regarding Executive Order 14161 Protecting the
19 United States From Foreign Terrorist and Other
20 National Security and Public Safety Threats?

21 MS. SANTORA: Objection. Form.

22 Objection. Foundation.

23 BY MS. CONLON:

24 Q. You can answer?

25 A. To my knowledge, which may be

1 incomplete, Mr. Veprek works on that, Bureau of
2 Consular Affairs works on that, the Counter
3 Terrorism Bureau.

4 Q. Are you finished answering?

5 A. Also in the development of a
6 policy, the very important part is the
7 clearance process.

8 Q. What is the clearance process?

9 A. It is when the written policy
10 action memo goes around and all offices who
11 have any equities have to sign off on it. So
12 an action memo could have 20 offices that need
13 to sign off on it. So all those offices,
14 depending how we define development, could also
15 have a role, if they change something, for
16 example.

17 Q. Are you aware of any other
18 offices with involvement in developing policy
19 in response to Executive Order 14161 Protecting
20 the United States From Foreign Terrorist and
21 Other National Security and Public Safety
22 Threats?

23 MS. SANTORA: Objection. Foundation.
24 Are you able to show him the document you're
25 referring to?

1 MS. CONLON: You want me to show him
2 Executive Order 1416 --

3 MS. SANTORA: Executive order.
4 BY MS. CONLON:

5 Q. Sure. Although I don't think
6 I'm asking him to interpret the text of it, so
7 let's try this first. You're familiar with
8 Executive Order 14161 Protecting the United
9 States From Foreign Terrorist and Other
10 National Security and Public Safety Threats?

11 A. Yes.

12 Q. Okay. You have mentioned that
13 you understand that for the State Department,
14 Mr. Veprek and the Bureau of Consular
15 Affairs --

16 A. He does not work for the Bureau
17 of Consular Affairs.

18 Q. Oh, I'm sorry. He works for
19 the counselor?

20 A. The counselor, Mr. Needham.

21 Q. Right. So you have mentioned
22 that you're aware that he works on developing
23 policy in response to that E.O. and you've
24 mentioned that the counter terrorism bureau may
25 be involved. Are there any other bureaus or

1 offices of the State Department that you are
2 aware of as being involved in that regard?

3 A. My understanding that anyone
4 who development being defined as clearance
5 there's the Office of the Deputy Secretary,
6 there's the Office of the Under Secretary For
7 Political Affairs, there is the office of my
8 supervisor, the Under Secretary For Management,
9 there is the -- it's called SP, I don't --
10 policy planning is another office.

11 Also it's my understanding that there can
12 be geographic offices, geographic bureaus could
13 play a role.

14 Q. You've said understanding that
15 developing policy as clearance?

16 A. Yes.

17 Q. Who do you understand from the
18 State Department to be involved in creating the
19 State Department's policy response to this
20 executive order as opposed to it being in the
21 clearance process?

22 MS. SANTORA: Objection. Foundation.
23 I'm going to ask again that you show him the
24 document. You're asking him to speculate on
25 it. He said he's familiar with it, but I -- he

1 clearly doesn't have the document memorized and
2 it's not in front of him.

3 MS. CONLON: I understand. If I were
4 asking questions about what's in that document
5 I would definitely do that, but I don't want to
6 derail us because right now I just am curious
7 about who in the State Department is a part of
8 the response.

9 So if you could just respond to the
10 question to the extent you're able to from your
11 recollection.

12 BY MS. CONLON:

13 Q. Who within the State Department
14 is part of responding to executive order issued
15 this year protecting the United States from
16 foreign terrorist and other national security
17 and public safety threats?

18 MS. SANTORA: Objection. Foundation.

19 UNIDENTIFIED PERSON: She's going to
20 take forever.

21 THE WITNESS: Am I required to
22 answer?

23 MS. SANTORA: Yes.

24 A. Are you asking about concrete
25 people or organizational bodies?

1 BY MS. CONLON:

2 Q. Let's start with organizational
3 bodies.

4 A. It will depend. And the
5 question is it about the creation of the
6 policy, not the clearance.

7 Q. Exactly?

8 A. Although I will take issue, I
9 believe that clearance is creation, but I will
10 try to answer. Mr. Veprek and the counselor's
11 office, the secretary's office, the Office of
12 Deputy Secretary, Mr. Landau, Ambassador
13 Landau; Christopher, his name, the deputy
14 secretary, the Office of the Under Secretary
15 for Political Affairs, the Counter Terrorism
16 Bureau, Bureau of Consular Affairs and
17 depending on the exact part of terrorism or
18 issue being dealt with, one of the regional
19 bureaus could be involved in the actual
20 creation, drafting -- sorry. I've been in the
21 State Department for 30 years -- drafting
22 authorship of the document that has later
23 cleared.

24 Q. In terms of particular people,
25 who in the Bureau of Consular Affairs is part

1 of creating policy in response to this
2 executive order?

3 MS. SANTORA: Objection. Foundation
4 objection. Calls for speculation.

5 BY MS. CONLON:

6 Q. You can answer?

7 A. To my knowledge --

8 Q. Yes.

9 A. -- which may be incomplete.

10 Various people mentioned previously. Mr. DAS
11 Smith -- or sorry, DAS Wilson. The - whoever
12 is in the role of the acting principal deputy
13 assistant secretary, the people who work in the
14 Visa office, Miss Norris, Managing Director
15 Norris and people who work for her. I do not
16 know all their names.

17 Q. Any other person or part of the
18 Bureau of Consular Affairs relevant to that
19 creation of this policy?

20 MS. SANTORA: Objection. Calls for
21 speculation.

22 THE WITNESS: I must answer?

23 MS. SANTORA: Yes.

24 A. It seems to me based on my
25 recollection, which may be incomplete, the key

1 players are off- organizational units or the
2 front office and the Visa office.

3 MS. CONLON: I think it makes sense
4 for us to take a short break now for a few
5 minutes, then we can figure out timing of a
6 lunch break if anybody wants to do that. So
7 could we please go off the record?

8 THE VIDEOGRAPHER: Off the record,
9 12:23 p.m.

10 (A break was taken.)

11 THE VIDEOGRAPHER: We're back on the
12 record at 12:48.

13 BY MS. CONLON:

14 Q. Okay. Focusing for a moment on
15 3C policies that have been developed under this
16 administration, were any of those policies the
17 result of a special project from the Bureau of
18 Consular Affairs?

19 A. I do not know.

20 Q. Were any of those policies the
21 result of work performed by Ms. Smith?

22 A. To my knowledge, no.

23 Q. Who, to your knowledge -- well,
24 withdrawn. I just want to check the
25 transcript. Hold on one second.

1 So just for clarity, do you know who
2 from the Bureau of Consular Affairs has
3 contributed to the development of 3C policies
4 under this administration?

5 MS. SANTORA: Objection. Form.

6 A. I know with certainty that I
7 have reviewed some of them, but I do not
8 remember the policies.

9 BY MS. CONLON:

10 Q. Did you review any 3C policies
11 under this administration apart from the three
12 you mentioned earlier?

13 A. I do not know.

14 Q. Sorry. You --

15 A. I do not recall. I do not
16 recall.

17 Q. The only three you recall
18 reviewing are -- withdrawn. The only ones you
19 recall reviewing are the three you mentioned;
20 is that right?

21 A. Two of them existed previous to
22 this administration. I recall reviewing the
23 one about the officials.

24 Q. Who else are you aware of in
25 the Bureau of Consular Affairs has worked on

1 the development of 3C policies under this
2 administration?

3 MS. SANTORA: Objection. Calls for
4 speculation.

5 A. Per my recollection in the
6 clearance process that counsels work on the
7 policy.

8 BY MS. CONLON:

9 Q. Not for this question. So but
10 I --

11 A. I don't know.

12 Q. -- appreciate your clarifying
13 answer.

14 A. I don't know.

15 Q. Okay. Have you consulted any
16 finalized 3C policies in reviewing Visa
17 revocations under this administration?

18 A. Could you repeat the question?

19 Q. Sure. Have you consulted any
20 finalized 3C policies in reviewing Visa
21 revocations under this administration?

22 A. To my recollection, no.

23 Q. Have you made any determination
24 that a person is removable under a 3C policy
25 under this administration?

1 MS. SANTORA: Objection. Foundation.

2 BY MS. CONLON:

3 Q. Go ahead.

4 A. DHS does removals. They have
5 the final say on that. I have no power to
6 deport anyone.

7 Q. Have you made any
8 determinations that a person's Visa should be
9 revoked under that 3C in this administration?

10 A. I believe so, but I do not
11 remember details at this moment.

12 Q. Have you reviewed any finalized
13 3C policies that are relevant to Visa
14 revocations that you have approved?

15 MS. SANTORA: Objection. Form.

16 A. Could you repeat that? I'm
17 sorry. Seems convoluted.

18 BY MS. CONLON:

19 Q. Have you reviewed any finalized
20 3C policies in making Visa revocations?

21 A. Have I reviewed the policies in
22 order to make the revocation?

23 Q. Yes.

24 A. So an existing policy?

25 Q. Yes.

1 A. That I did not create?

2 Q. Yes.

3 A. I'm not sure.

4 Q. Have you created any 3C

5 policies under this administration?

6 A. If clearance is creation, I

7 contributed to one at least.

8 Q. Which one?

9 A. The one with the officials.

10 Q. I think with respect to 3C, we
11 can move on. Have you reviewed any policies --
12 withdrawn.

13 Have you contributed to, through
14 clearance, any policies relating to Visa
15 revocation developed under this administration
16 regard -- setting aside 3C completely?

17 MS. SANTORA: I'm sorry, can you
18 repeat the question?

19 BY MS. CONLON:

20 Q. Sure. Have you -- is "cleared"
21 the verb?

22 A. Cleared. Yes, cleared.

23 Q. Have you cleared any policies
24 relating to Visa revocation developed under
25 this administration?

1 A. I'm not sure. I clear a lot of
2 stuff.

3 Q. Can you give me an estimate of
4 how many policies relating to Visas you have
5 cleared under this administration?

6 A. 50, 100.

7 Q. A lot?

8 A. Yes, many.

9 Q. Have any of those policies
10 addressed specifically combatting
11 anti-Semitism?

12 A. Yes.

13 Q. Tell me about that policy.

14 MS. SANTORA: Objection. Form. You
15 can answer.

16 THE WITNESS: Am I obligated to
17 answer?

18 MS. SANTORA: Yes.

19 A. One sticks in my mind in
20 particular. The catch and revoke policy.

21 BY MS. CONLON:

22 Q. What is that?

23 A. It means that when -- there was
24 a cable issued about this authored by -- sorry,
25 I don't remember fully. There is a cable,

1 catch and revoke, and it talked about the
2 importance of when people that had several
3 elements, and one of them, a reason for
4 revoking a Visa was anti-Semitism but also
5 criminal activity.

6 Q. Do you recall who this cable
7 was sent to?

8 A. I believe -- well, yes, it was
9 an ALDAC.

10 Q. I may have a copy, let me just
11 take a look if I'm thinking of same document as
12 you.

13 Before I start putting documents in
14 front of you, I want to make sure I give you
15 the right thing. Are you aware of more than
16 one cable issued under this administration
17 concerning anti-Semitism?

18 A. I am aware of this cable with
19 certainty.

20 MS. CONLON: Okay. One second. All
21 right. I can pass you guys a document.

22 (Exhibit 3 was marked.)

23 MS. CONLON: So I have just handed
24 you a multi-page document which I think has now
25 been marked as Exhibit 3. Thank you,

1 Ms. Henderson, and it has an index on the
2 front. And if you look at that index, the
3 third entry says, Department of State cable
4 26168 and the page numbers are at the bottom, a
5 very small text. It says AAUPCAR followed by a
6 number. If you could turn to page 12, please.

7 A. No, this isn't catch and
8 revoke.

9 Q. Okay. So to be clear, the
10 document that begins at page 12 in this exhibit
11 is not catch and revoke; is that correct?

12 A. Yes.

13 Q. Thank you, that is helpful. So
14 we can put this away for a moment or set it
15 aside. So the cable?

16 A. Sorry, one minute. One minute.
17 Sorry.

18 Q. Yeah. Take your time.

19 A. I apologize.

20 Q. We may come back to this one,
21 but right now, I do want to ask you about the
22 cable that you were recollecting which it
23 sounds like it's not this one?

24 A. Just one second. I'm not
25 certain -- again, this was in March. It's ages

1 ago.

2 No. I don't believe this is it. I
3 believe there's another cable.

4 Q. Okay. The cable you're
5 thinking of, do you recall approximately when
6 it was issued?

7 A. March.

8 Q. And do you recall who issued
9 it?

10 A. I don't understand the
11 question.

12 Q. When -- do you -- using that as
13 an example, hang on, do you recall who wrote
14 that cable, whose name appeared on the cable as
15 the from?

16 A. It's -- they're all from the
17 secretary.

18 Q. Do you recall the content of
19 the cable?

20 MS. SANTORA: Objection. Foundation.
21 Objection. Calls for speculation.

22 BY MS. CONLON:

23 Q. Do you recall the content of
24 the cable?

25 A. To my recollection, the cable

1 talked about the importance of using the
2 information that we have to revoke Visas. In
3 other words, catching, for example, criminal
4 activity or pro-Hamas activity, and then going
5 after the person that -- going after --
6 revoking the Visa on that basis.

7 Q. Did the catch and revoke cable
8 focus on particular types of Visa holders?

9 MS. SANTORA: Objection. Foundation.
10 Objection. Calls for speculation.

11 A. Nonimmigrant Visa holders.

12 BY MS. CONLON:

13 Q. Did it mention specifically
14 student Visa holders?

15 A. I do not recall.

16 Q. You said the cable specifically
17 addressed the importance of catching pro-Hamas
18 Visa holders; is that correct?

19 A. To my recollection, the support
20 for terrorist anti-Semitic organizations was
21 mentioned.

22 Q. Do you recall whether that
23 cable set forth any sort of definition of
24 pro-Hamas?

25 A. I do not recall.

1 Q. Do you recall whether it set
2 forth any definition of support for pro-Hamas?

3 A. I do not recall.

4 Q. Do you recall whether that
5 cable discussed not only support for Hamas but
6 those who endorse or espouse its views?

7 A. I'm not sure.

8 Q. You mentioned that the cable
9 did address anti-Semitism as well, correct?

10 A. That is my recollection.

11 Q. Do you recall whether that
12 cable explained how the State Department
13 defines anti-Semitism?

14 A. I do not recall.

15 Q. Do you recall whether --
16 withdrawn.

17 Did the cable specifically discuss
18 anti-Semitism on college campuses in the U.S.?

19 MS. SANTORA: Objection. Calls for
20 speculation.

21 A. I do not recall.

22 BY MS. CONLON:

23 Q. Do you recall whether the cable
24 specifically discussed students at all in any
25 capacity?

1 A. I do not recall with certainty.

2 Q. What is the -- withdrawn.

3 The cable you are talking about, it
4 contained guidance to the diplomatic and
5 consular posts that received it; is that
6 correct?

7 A. Yes.

8 Q. What did that cable tell them
9 to do?

10 A. It is my recollection, as I
11 previously stated, that it instructed them when
12 derogatory information was found that was of
13 such a weight that a Visa should be revoked and
14 should be revoked including systems messages.

15 Q. I'm sorry. What are systems
16 messages?

17 A. They're messages that come up
18 in the computer system about applicants who
19 have previously received Visas.

20 Q. So for example, somebody who
21 works in a consulate speaking to an applicant
22 could enter their name into a system and see
23 information about them?

24 A. No, the system message comes up
25 on its own. It's sent on its own.

1 Q. I see. Okay. And did the
2 cable direct the review of current Visa holders
3 or did it speak only of what you were
4 describing, an applicant?

5 MS. SANTORA: Objection. Calls for
6 speculation.

7 A. Sorry. It referred to current
8 Visa holders for clarity, Visa holders, former
9 applicants.

10 BY MS. CONLON:

11 Q. Did the cable address lawful
12 permanent residents?

13 MS. SANTORA: Objection. Calls for
14 speculation.

15 A. I do not believe so because it
16 dealt with nonimmigrant Visas and by
17 definition.

18 Q. Is there an arm of the Bureau
19 of Consular Affairs that does deal with lawful
20 permanent residents or green cards?

21 A. Could you refine what you mean
22 by "deal with"?

23 Q. Well, you said the Bureau of
24 Consular Affairs has an office of Visas. Is
25 there a counter part for lawful permanent

1 residents or green cards?

2 A. No.

3 Q. What -- does the Bureau of
4 Consular Affairs have any involvement in the
5 issuance or revocation of green cards?

6 MS. SANTORA: Objection. Form.

7 A. The Bureau of Consular Affairs
8 and the Visa office both work on the issuance
9 of immigrant Visas, the result of which can be
10 lawful permanent residents.

11 BY MS. CONLON:

12 Q. Am I correct that the Bureau of
13 Consular Affairs does not make
14 determinations -- well, withdrawn.

15 Does the Bureau of Consular Affairs
16 play any part in making a determination that a
17 green card should be revoked?

18 A. I don't know.

19 Q. Fair to say you have not played
20 a role in that?

21 A. I cannot state with certainty
22 because it's a legal question, and I'm not a
23 lawyer.

24 Q. I'm not seeking to ask you a
25 legal question or seeking a legal opinion.

1 Simply, have you worked on matters involving
2 lawful permanent residents?

3 A. Yes.

4 Q. Have you worked on matters
5 regarding the revocation of a green card from a
6 lawful permanent resident?

7 A. I don't know. I don't know.

8 Q. Okay.

9 A. It's complicated.

10 Q. Is there -- what is your
11 understanding of the process for the revocation
12 of a green card?

13 A. My understanding is that DHS
14 has to do it, but there may be parts of the INA
15 that I do not know that give other people power
16 to do that.

17 Q. When the Secretary of State
18 makes a determination that a lawful permanent
19 resident is removable pursuant to the foreign
20 policy provision, does that involve the Bureau
21 of Consular Affairs?

22 A. Yes.

23 Q. Does that involve you
24 personally?

25 A. It could.

1 Q. Is there a separate office
2 within the Department of State dedicated to
3 making those determinations about lawful
4 permanent residents?

5 A. Dedicated only to that?

6 Q. Another office that addresses
7 that.

8 A. My understanding is, we do not
9 have the power to do an actual revocation even
10 under the form policy grounds. My
11 understanding is, we can make a determination,
12 but we do not do the actual revocation.

13 Q. Is there another office of the
14 Department of State involved in making the
15 determination that a lawful permanent
16 resident's green card should be revoked?

17 A. What do you mean by "office"?

18 Q. I'm using office here to be
19 inclusive of any component part division of the
20 Department of State that you are aware of.

21 A. The legal advisors would have a
22 role in rendering such an opinion. The legal
23 advisors' office.

24 Q. Would the legal advisors'
25 office be involved in seeking the secretaries

1 that determination that a lawful permanent
2 resident is removal pursuant to the foreign
3 policy provision?

4 MS. SANTORA: Objection. Calls for
5 speculation.

6 BY MS. CONLON:

7 Q. If you know?

8 A. If we're making a determination
9 under what part of the law?

10 Q. Under the foreign policy
11 provision.

12 A. To my knowledge. The legal
13 advisor would clear on such determinations or
14 the legal advisors' staff.

15 Q. Is there anyone at the State
16 Department other than you who you know
17 participates in clearing a determination that a
18 lawful permanent resident's green card should
19 be revoked?

20 A. You mean the determination
21 under the foreign policy provision.

22 Q. Yes.

23 A. Again, my understanding is, we
24 do not revoke the green card.

25 Q. Yes. The determination under

1 the foreign policy provision. Anyone other
2 than you. Surely there are.

3 A. In the clearance process?

4 Q. Yes.

5 A. Oh, yeah.

6 Q. Okay. What are the components
7 that are part of that clearance process? The
8 entities, whatever word I need to use.

9 A. Offices.

10 Q. That's the one I want, I guess.
11 Yes.

12 A. The offices, to my
13 recollection, are Bureau of Consular Affairs,
14 Visa office is part of that. It would go
15 through those in the front office who work on
16 Visas, Mr. Wilson, the -- or whoever is in the
17 role of DAS, Deputy Assistant Secretary for
18 Visa services, the Principle Deputy Assistant
19 Secretary, in my absence, that person would be
20 acting, Visa Office Managing Director, various
21 people at the Visa office, Counselor's Office
22 would likely review it, the Deputy Secretary's
23 Office would likely review it, the Policy and
24 Planning Office may review it, the staff of the
25 -- Under Secretary for Management would likely

1 clear -- by review, I mean, clear, would clear.
2 The office of the legal advisor would clear as
3 previously noted. Those are all that I
4 remember.

5 Q. Which, if any, of those offices
6 would be involved in seeking the secretary's
7 determination as opposed to simply clearing it?

8 MS. SANTORA: Objection. Calls for
9 speculation.

10 A. I'm not sure I can comprehend
11 the question. In the --

12 BY MS. CONLON:

13 Q. So, is an action memo written
14 when the State Department seeks a determination
15 from the secretary that a lawful permanent
16 resident should be -- should have their green
17 card revoked under the foreign policy
18 provision?

19 A. I believe the determination is
20 just for the foreign policy provision. Again,
21 as I repeated several times, DHS make as call
22 on revocation. My understanding is, we can't
23 actually revoke a green card.

24 Q. Okay. I'm asking about the
25 determination that it ought to be revoked.

1 A. The determination that the
2 person is under the foreign affairs, the 3C.

3 Q. I'm asking -- sure. A
4 determine in addition made by the State
5 Department that a lawful permanent resident
6 should have their green card taken from them
7 under the foreign policy provision?

8 A. Do you have a particular
9 document you would like me to look at?

10 Q. I don't actually. I'm asking
11 whether an action memo is written in that
12 circumstance.

13 A. It's my recollection that in
14 such circumstances because it requires a
15 decision by a secretary on a person, there
16 would be an action memo written.

17 Q. And in your experience, which
18 office is involved in writing the action memo?

19 A. As opposed to clearing?

20 Q. Exactly.

21 MS. SANTORA: Objection. Calls for
22 speculation.

23 A. In my experience, someone in
24 the Visa office would be the author, the
25 drafter.

1 BY MS. CONLON:

2 Q. Who in the Visa office?

3 MS. SANTORA: Objection. Calls for
4 speculation.

5 A. Could be any number of people.
6 There's probably over a hundred people working
7 in the Visa office.

8 BY MS. CONLON:

9 Q. At what level of worker in the
10 Visa office is this kind of a memo written?

11 A. A mid level, I believe. Mid to
12 lower.

13 Q. You're not writing the memo?

14 A. I am not.

15 Q. Is there a particular title
16 that a person who writes this memo would hold?
17 Is that an analyst?

18 MS. SANTORA: Objection. Foundation.
19 Objection. Calls for speculation.

20 A. I don't know.

21 BY MS. CONLON:

22 Q. When you've received these
23 memos, is there anyone in particular that you
24 recall having written them?

25 A. As opposed to clearing?

1 Q. Exactly.

2 A. No.

3 Q. Do you recall the author of any
4 memo -- action memo you have seen regarding the
5 that proposed revocation of a lawful permanent
6 resident's green card under the foreign policy
7 provision this year?

8 A. Could you -- I'm sorry. Could
9 repeat the question?

10 Q. I know, it's so long. I'm
11 asking if you remember the name of anyone who
12 wrote any of the memos you have seen just this
13 year?

14 A. The drafter?

15 Q. Exactly.

16 A. No.

17 Q. Is there someone who is
18 subordinate to you who reviews those memos
19 before they are provided to you?

20 A. Generally, yes.

21 Q. Who is that person?

22 A. The person in the Principal
23 Deputy Assistant Secretary role, the person in
24 the Deputy Assistant Secretary for Visa
25 services role, the managing director for Visa

1 services, those are the ones within the Bureau
2 of Consular Affairs, and there maybe others,
3 but those are the three that stick in my mind.
4 That is my recollection.

5 Q. Okay. Just a moment. Okay.
6 That was a detour, unexpected. I would like to
7 go back to the cable as you recall it for catch
8 and revoke.

9 Do you know who was involved in the
10 development of that cable?

11 MS. SANTORA: Objection. Calls for
12 speculation. Objection. Foundation.

13 THE WITNESS: I'm required to answer?

14 MS. SANTORA: Uh-huh.

15 A. To my recollection, Mr. Olowski
16 was involved, Lew Olowski.

17 BY MS. CONLON:

18 Q. Lew Olowski?

19 A. Yes.

20 Q. Does he work in the Bureau of
21 Consular Affairs?

22 A. No, he does not.

23 Q. Where does he work?

24 A. Presently, he works in the
25 PERT, Personnel and Training.

1 Q. Is that within the State
2 Department?

3 A. Yes.

4 Q. Do you know whether anybody
5 other than Mr. Olowski was involved in the
6 development of the cable?

7 A. I believe Mr. Veprek was
8 involved.

9 Q. Do you know of anyone else who
10 was involved in the development of the cable?

11 A. As opposed to clearance?

12 Q. Yes.

13 A. It's possible that Mr. Wilson
14 was involved. I do not know. I know I saw it
15 in the clearance process.

16 Q. Did anyone discuss the cable
17 with you before you were asked to clear it?

18 A. I'm not sure.

19 Q. Did you contribute in any way
20 to the development of the catch and revoke
21 policy set out in the cable?

22 MS. SANTORA: Objection. Form.

23 A. I cleared it.

24 BY MS. CONLON:

25 Q. Other than by clearing it?

1 A. I do not believe so.

2 Q. Did the cable establish any new
3 process that the recipients were expected to
4 undertake?

5 MS. SANTORA: Objection. Form.

6 A. What do you mean by
7 "recipients"?

8 BY MS. CONLON:

9 Q. The people who the cable was
10 sent to?

11 A. I don't know.

12 Q. Apart from reviewing system
13 messages relevant to the topics of the catch
14 and revoke cable, did the cable direct the
15 recipients to do anything else?

16 A. I recall it directed greater
17 vigilance, it may have directed other things.

18 Q. Do you recall whether it
19 directed the review of social media?

20 A. I don't know.

21 Q. Did the cable address the
22 monitoring of nonimmigrant Visa holders' social
23 media accounts?

24 A. I do not believe so.

25 Q. Do you recall whether the cable

1 addressed social media in any respect?

2 A. I do not recall.

3 Q. Just a moment. To your
4 knowledge, is the catch and revoke policy
5 currently being implemented?

6 A. Yes.

7 Q. To your knowledge, was the
8 catch and revoke policy developed in response
9 to an executive order?

10 MS. SANTORA: Objection. Foundation.
11 Calls for speculation.

12 A. I believe so, yes.

13 BY MS. CONLON:

14 Q. Which executive order?

15 A. This one here (indicating).

16 Q. You're looking at which
17 document?

18 A. MRN 2618, 25 state 2618. I
19 think it's the third.

20 Q. Sorry. What page number of
21 that exhibit are you looking at?

22 A. 1.

23 MS. SANTORA: Which page, all the way
24 the bottom, center, bottom? Yeah, they're very
25 small.

1 A. AAUPCAR 012.

2 Q. Thank you.

3 A. You're welcome.

4 Q. In other words, the catch and
5 revoke policy was developed in response to
6 Executive Orders 14161 and 14188; is that
7 correct?

8 A. 14188, I believe.

9 Q. The executive order about
10 additional measures to combat anti-Semitism?

11 A. And protect the United States
12 from foreign terrorist and other national
13 security. Oh, wait no. There's two executive
14 orders.

15 Q. Yes.

16 A. Yes. I believe it was those
17 two. I'm not 100 percent certain.

18 Q. Are you aware of -- withdrawn.

19 Has the State Department, to your
20 knowledge, announced the catch and revoke
21 policy to the public?

22 A. I don't know.

23 Q. To your knowledge, has the
24 secretary made any public statements about
25 catch and revoke?

1 A. I do not know.

2 Q. Are you aware of other policies
3 developed by the State Department in response
4 to either of the executive orders that we just
5 discussed?

6 A. Define "policy," please.

7 Q. Well, first, are you aware of
8 any other cables that have been sent in
9 response to Executive Orders 14161 or 14188?

10 A. I do not recall any.

11 Q. For clarity, the cable that
12 begins on CAR 012 of Exhibit 3, this is not a
13 cable you have seen before?

14 A. This is not -- no, I have seen
15 this before.

16 Q. Okay. So apart from this cable
17 and the catch and revoke cable you have
18 described, those two cables, you are not aware
19 of any cables issued as a part of response of
20 the two executive orders?

21 A. I do not recall any.

22 Q. Are you aware -- so I was
23 asking about policies. Are you aware of any
24 action memos seeking the secretary's approval
25 that set forth a policy issued in response to

1 either of the executive orders?

2 A. With the exception of these two
3 cables which did not go to the secretary?

4 Q. These cables did not go to the
5 secretary?

6 A. They did not.

7 Q. Where did these cables go to?

8 A. It's my recollection that I
9 approved both catch and revoke cable and this
10 one.

11 Q. And the buck stopped with you
12 on both of them?

13 A. Yes, I was the one who approved
14 them, and then were transmitted to all
15 diplomatic and consulate posts.

16 Q. I see. Well, while we're on
17 the topic, have you approved any other action
18 memos submitted to you as part of the
19 Department's response to the two executive
20 orders?

21 A. I do not recall any.

22 Q. Are you aware of other action
23 memos submitted to the secretary for approval
24 in response to either of the executive orders?

25 A. I do not recall any.

1 Q. Are you aware off -- if you --
2 to the extent you recall in the catch and
3 revoke cable that you cleared, what reasons
4 were set forth as the basis for revocation?

5 A. Generally, activity as -- as I
6 recall, generally, activity contrary to the
7 purpose of travel in the Visa -- that the Visa
8 was issued for.

9 Q. Did the cable provide any more
10 detail than that?

11 A. My recollection is, it
12 mentioned law enforcement issues and it also
13 mentioned anti-Semitic activity.

14 Q. What kind of anti-Semitic
15 activity did it mention as best you recall?

16 A. I do not recall specific
17 examples. I'm sorry.

18 Q. It's okay. Do you need a
19 break?

20 A. No, I'm good. Keep going.

21 Q. Do you recall whether the catch
22 and revoke cable the anti-Semitic activity had
23 to be criminal activity to be a basis for
24 action?

25 A. I do not recall.

1 Q. You said that -- you said that
2 the cable generally addressed as a basis for
3 action activity contrary to the purpose of
4 travel. Did the cable specifically address
5 student Visas?

6 A. It addressed nonimmigrant
7 Visas.

8 Q. Did it expressly address
9 student Visas?

10 A. I do not recall which
11 nonimmigrant Visas were expressly addressed.

12 Q. Cables are one way that a
13 directive can be given to people in the field
14 where a new directive is set forth by the State
15 Department; is that right?

16 A. What do you mean by
17 "directive"?

18 Q. Well, how would you describe
19 the content that -- withdrawn.

20 The cable, the catch and revoke cable,
21 would you call that a directive?

22 A. I would call it guidance or
23 instructions.

24 Q. Are you aware of any other
25 guidance or instructions issued regarding

1 anti-Semitism since the beginning of this
2 administration?

3 A. These two ex -- the one
4 executive order?

5 Q. Whether or not it's an
6 executive order.

7 A. No. I'm aware of this
8 executive order. That is a directive or
9 instruction against anti-Semitism.

10 Q. Yes, sorry. Are you aware of
11 any others?

12 A. I do not recall any others.

13 Q. Do you know whether the State
14 Department has issued any guidance or
15 instructions regarding anti-Semitism since the
16 beginning of this administration?

17 A. It is possible, but I do not
18 recall concrete examples.

19 Q. You mentioned that the catch
20 and revoke cable related to nonimmigrant Visa
21 holders. Are you aware of any similar cables
22 relating to lawful permanent residents?

23 A. No.

24 Q. Do you -- is there a particular
25 part of State Department that would issue

1 guidance or instructions regarding
2 anti-Semitism?

3 MS. SANTORA: Objection. Form.

4 A. Anti-Semitism in general or
5 anti-Semitism in relation to consular issues?

6 BY MS. CONLON:

7 Q. Anti-Semitism in relation to
8 Visas.

9 A. Part of the department --
10 outside consular affairs?

11 Q. Yes?

12 A. Regarding Visas, I believe it
13 would have to go through the Bureau of Consular
14 Affairs because we are responsible for Visa
15 issuance overseas and denials.

16 Q. Is there a particular part of
17 the State Department that would issue guidance
18 or instructions regarding lawful permanent
19 residents with respect to anti-Semitism?

20 MS. SANTORA: Objection. Form.
21 Calls for speculation.

22 A. Lawful permanent residents
23 other than the immigrant Visa process are in
24 the prerogative of the department of Homeland
25 Security is my understanding of the division of

1 labor between the two.

2 BY MS. CONLON:

3 Q. I understand that you're saying
4 that the Department of Homeland Security is
5 principally responsible for lawful permanent
6 residents in this regard, but you testified
7 earlier to your own involvement and
8 determinations relating to certain lawful
9 permanent residents, correct?

10 A. Could you refresh my memory?

11 Q. Sure. The Bureau of Consular
12 Affairs has been a part of seeking the
13 secretary's position on revoking the green card
14 of lawful permanent residents under the foreign
15 policy provision, correct?

16 A. I wouldn't phrase it that way.
17 The -- our role is to determine whether they
18 are ineligible or not. Yes, in regards to
19 lawful permanent residents, we have made
20 decisions under the foreign policy provision.
21 That is -- because it's a Secretary of State.

22 Q. Right.

23 A. For whom we work.

24 Q. So, is there a part of the
25 State Department other than your bureau that

1 would issue guidance or instructions regarding
2 lawful permanent residents and anti-Semitism in
3 the exact context you just described, the
4 application of the foreign policy provision?

5 MS. SANTORA: Objection. Form.
6 Objection. Calls for speculation.

7 A. I don't even see how we would
8 issue such guidance because a decision is not
9 guidance.

10 BY MS. CONLON:

11 Q. A decision is not guidance?

12 A. A decision in an action memo is
13 not necessarily guidance, it's a decision.
14 It's an action.

15 Q. So a decision on an action memo
16 is not necessarily guidance?

17 A. No, it's a decision.

18 Q. Okay. But guidance must be
19 submitted in an action memo to the secretary
20 for approval; is that correct?

21 A. No, it's not correct.

22 Q. Okay. So, how is guidance
23 issued?

24 MS. SANTORA: Objection. Form.

25 A. A guidance is issued in two

1 forms usually; you mean for the Bureau of
2 Consular Affairs?

3 BY MS. CONLON:

4 Q. Yes.

5 A. In the form of a cable and in
6 the form of an update to the Foreign Affairs
7 Manual or sometimes yes, the Foreign Affairs
8 Manual.

9 Q. Is the Foreign Affairs Manual a
10 public document?

11 A. In parts.

12 Q. There are parts of foreign
13 affairs manual that are not publically
14 available?

15 A. To my knowledge and
16 understanding, yes, but I'm not an expert. I
17 don't work in necessarily in that part.

18 Q. We have discussed cables. Are
19 you aware of any guidance having been issued
20 since this administration began in the foreign
21 affairs manual concerning anti-Semitism?

22 A. I recall none.

23 Q. Is there -- how are -- well, go
24 ahead. Go ahead.

25 A. Could you rephrase -- repeat

1 the question? Sorry.

2 Q. Sure. I understand you to be
3 saying guidance is issued by the Bureau of
4 Consular Affairs as cables or updates to the
5 Foreign Affairs Manual; is that correct?

6 A. Or both.

7 Q. We have discussed cables. So
8 my question is just, are you aware of any
9 updates to the Foreign Affairs Manual under
10 this administration relating to anti-Semitism?

11 A. Just the Foreign Affairs
12 Manual?

13 Q. Yes.

14 A. No.

15 Q. Are you aware of updates to any
16 other official set of documents that the Bureau
17 of Consular Affairs updates?

18 MS. SANTORA: Objection. Form.

19 A. About anti-Semitism?

20 BY MS. CONLON:

21 Q. Yes.

22 A. I'm not aware of such things.
23 I do not recall any such things.

24 Q. Are you aware of any updates --
25 well, withdrawn.

1 Are you aware of any other type of
2 guidance issued by a Bureau of Consular Affairs
3 regarding anti-Semitism under this
4 administration?

5 A. I do not recall any at this
6 time.

7 Q. Okay. Are you aware of any
8 guidance from a different -- from any part of
9 the State Department issued under this
10 administration regarding anti-Semitism?

11 A. Am I aware?

12 Q. Yes.

13 A. I do not recall any at this
14 time.

15 Q. Are you aware of any -- well,
16 withdrawn.

17 Fair to say the State Department has
18 issued new guidance under this administration
19 about all kinds of things?

20 MS. SANTORA: Objection. Form.
21 Foundation.

22 THE WITNESS: Am I required to
23 answer?

24 MS. SANTORA: You can answer.

25 A. Yes. The State Department has

1 issued new guidance on many things.

2 BY MS. CONLON:

3 Q. You are not involved in all
4 guidance issued by the State Department,
5 correct?

6 A. That is correct.

7 Q. Are you aware of any guidance
8 issued by the State Department under this
9 administration relating to pro-Hamas activity?

10 A. I do not recall any at this
11 time.

12 Q. Are you aware of any guidance
13 issued by the State Department under this
14 administration relating to Hamas at all?

15 A. I know the department is
16 against Hamas and it's a recognized terrorist
17 organization. However, I do not recall any
18 concrete examples I could give of guidance
19 about Hamas being issued under this
20 administration. That is my recollection at
21 this moment.

22 Q. Is guidance distinct from
23 instructions issued by the State Department?

24 A. No.

25 Q. When you say "guidance," that

1 covers instructions too?

2 A. Yes, in my understanding.

3 Q. Just so we're speaking the same
4 language, are directive distinct from guidance
5 or instructions?

6 A. In my understanding, I would
7 say referring to the State Department guidance
8 or instructions as opposed to statements.

9 Q. What about directives?

10 A. I would not use the term,
11 generally use the term "directive".

12 Q. Thank you. Same question: Are
13 you aware of any guidance or instructions
14 issued by the State Department relating to
15 pro-Palestinian or anti-Israel activity?

16 A. I'm aware of the two cables
17 that we have mentioned.

18 Q. Are you aware of anything other
19 than the two cables?

20 A. I recall no concrete examples
21 at this point.

22 Q. Are you aware of any guidance
23 or instructions issued by the State Department
24 under this administration relating to
25 pro-Palestinian or anti-Israel speech?

1 A. I can not recall any concrete
2 examples at this point.

3 Q. And without repeating the
4 entire question again, the same question I have
5 been asking you regarding pro-Palestinian or
6 anti-Israel movements as opposed to speech or
7 activity?

8 MS. SANTORA: Objection.

9 BY MS. CONLON:

10 Q. I want to cover all the basis
11 here. So this question is, are you aware of
12 any guidance or instructions issued by the
13 State Department under this administration
14 relating to pro-Palestinian or anti-Israel
15 movements?

16 MS. SANTORA: Objection. Form.

17 A. Movements meaning actions or
18 organizations as in, like, the labor movement?

19 BY MS. CONLON:

20 Q. Both.

21 A. I do not recall any concrete
22 examples -- I'm sorry.

23 MS. SANTORA: I was going to object
24 to form again.

25 THE WITNESS: Sorry.

1 BY MS. CONLON:

2 Q. Are you aware of any guidance
3 or instructions issued by the State Department
4 under this administration regarding student
5 demonstrations?

6 A. I cannot any of concrete
7 examples at this point. I do not recall any.

8 Q. Are you aware of any guidance
9 or instructions currently being developed by
10 the State Department concerning
11 pro-Palestinian, anti-Israel or pro-Hamas
12 activity?

13 MS. SANTORA: Objection. You can
14 answer to the extent he's aware, but otherwise
15 implicates the deliberative process privilege,
16 I instruct the witness not the answer.

17 A. Then, I can't answer.

18 MS. SANTORA: You can say whether you
19 are aware or not. Her question is, are you
20 aware?

21 THE WITNESS: Of its existence?

22 MS. SANTORA: Can you ask the
23 question again?

24 BY MS. CONLON:

25 Q. Yes. Are you aware of whether

1 the State Department is developing guidance or
2 instructions concerning pro-Palestinian,
3 anti-Israel or pro-Hamas activity?

4 A. Am I aware of the fact?

5 Q. Aware of whether, yes.

6 A. Yes.

7 Q. Aware of whether that's
8 occurring.

9 A. Without saying whether it is or
10 not?

11 Q. Yes.

12 A. Yes.

13 Q. And I assume your counsel will
14 object. Is there guidance or instructions
15 being developed by the State Department
16 concerning pro-Palestinian anti-Israel or
17 pro-Hamas support activity by noncitizens?

18 MS. SANTORA: Objection. Calls for
19 information deliberative process privilege. I
20 instruct the witness not to answer.

21 BY MS. CONLON:

22 Q. Do you recall in the catch and
23 revoke cable whether it mentioned any specific
24 organizations or groups?

25 MS. SANTORA: Objection. Calls for

1 speculation.

2 A. No, I do not recall.

3 BY MS. CONLON:

4 Q. Setting aside -- and we're
5 almost done with this, I promise. This part.
6 Setting aside guidance and instructions, are
7 you aware of any new steps being undertaken by
8 the State Department in response to Executive
9 Orders 14161 and 14188?

10 MS. SANTORA: Objection. Form.

11 A. Can you repeat the question?

12 I'm sorry.

13 BY MS. CONLON:

14 Q. Sure. And I can ask one at a
15 time. Okay. Are you aware of any new steps
16 being undertaken by the State Department in
17 response to Executive Order 14161 protecting
18 the United States from foreign terrorists and
19 other national security and public safety
20 threats?

21 A. Am I aware of any steps being
22 taken by a State Department? Yes.

23 Q. Has the State Department taken
24 any steps to respond to that executive order
25 apart from the issuance of guidance or

1 instructions that we have discussed?

2 A. Yes.

3 Q. What steps has the State
4 Department taken, to your knowledge?

5 MS. SANTORA: Objection. To the
6 extent that this would implicate information
7 that remains deliberative, I would instruct you
8 not to answer.

9 A. Without talking about
10 deliberative information, there had been
11 organizations found to be foreign terrorists
12 organizations, and it's been announced
13 publically.

14 BY MS. CONLON:

15 Q. In other words, certain
16 organizations were newly designated as foreign
17 terrorist organizations in response to that
18 executive order?

19 A. In part of, yes. Yes.

20 Q. Are you aware of any other --
21 sorry, go ahead.

22 A. The first executive order, the
23 14161?

24 Q. Yes.

25 A. Yes.

1 Q. Sticking with that same
2 Executive Order 14161, are you aware of any new
3 programs developed by the State Department as
4 response to that executive order?

5 A. I do not recall any programs.

6 Q. Are you aware of any new
7 processes developed by the State Department in
8 response to that executive order?

9 MS. SANTORA: Same objection. To the
10 extent your answer would reveal deliberative
11 information, I instruct you not to answer.

12 A. Not revealing deliberative
13 information, these two cables that we talked
14 about would be new processes -- was it
15 processes or programs?

16 BY MS. CONLON:

17 Q. This time, I tried processes.

18 A. Yes, I would point to these two
19 cables.

20 Q. Apart from the cables, are
21 there any -- is the State Department doing
22 anything differently now as a response to
23 Executive Order 14161 than it did before?

24 A. Yes, we are more vigilant.

25 Q. What does that increased

1 vigilance manifest as?

2 A. Social media review.

3 Q. We can talk about that cable.

4 I guess before I do that, you mentioned a group
5 was designated newly as a foreign terrorist
6 organization under 14161. Was that a domestic
7 group?

8 A. No. No. There were a couple
9 of them actually. The drug cartels, for
10 example.

11 Q. Has there been any
12 determination regarding designating domestic
13 groups as terrorist -- sorry. One second.
14 Okay. So withdrawn, the question I was asking.

15 Has there been any determination made
16 in response to Executive Order 14161 that there
17 are domestic organizations with ties to a
18 foreign terrorist organization?

19 A. Domestic only?

20 Q. Yes.

21 A. To my knowledge no, because the
22 State Department does not deal with domestic
23 issues. We deal with foreign terrorist
24 organizations, so they have to be foreign.
25 That is my understanding. Perhaps the FBI.

1 Q. Before we jump into the second
2 cable, I'm not sure how long we have within
3 going for, whether it's been an hour, but I
4 don't want to hit anyone's limit. How are we
5 doing?

6 MS. SANTORA: Do you want to keep
7 going or do you want a break?

8 THE WITNESS: Why don't we go to
9 2:00, if that's enough time.

10 BY MS. CONLON:

11 Q. Yeah, that's fine. So turning
12 to the cable that begins on page 12 of the
13 administrative record which is Exhibit 3, you
14 cleared this cable; is that right?

15 A. This cable?

16 Q. Yes, sir.

17 A. No, that is incorrect.

18 Q. Oh dear, okay. Who cleared
19 this cable?

20 A. Other people did, I approved
21 it.

22 Q. You approved it. The lingo is
23 tough for those of us who don't work in the
24 department.

25 A. I apologize.

1 Q. No, I'm learning.

2 A. Approval is the last thing
3 before it goes.

4 Q. Got it. Okay. So you cleared?

5 A. No, I approved.

6 Q. I'm sorry. Maybe we should
7 take that break. No, you approved the cable
8 that begins of page 12 of that exhibit that's
9 in front of you, correct?

10 A. That is my recollection.

11 Q. Did you -- were you part of the
12 development of this cable? You look
13 inquisitically (sic).

14 A. Could you rephrase?

15 Q. Did you help develop the
16 content of this cable?

17 A. Yes.

18 Q. I'd like to ask you about some
19 particular provisions in it. One moment. What
20 prompted you to -- well, withdrawn.

21 What prompted the creation of the
22 guidance in this cable?

23 A. Per my recollection -- isn't
24 this deliberative process?

25 BY MS. CONLON:

1 Q. The question was, what prompted
2 the creation of the guidance in this cable?

3 MS. SANTORA: Can we just talk for
4 one second?

5 MS. CONLON: Yes. Go ahead. Can we
6 go off the record?

7 THE VIDEOGRAPHER: Off the record,
8 13:57.

9 (A break was taken at 1:57 p.m.)

10 THE VIDEOGRAPHER: Back on the record
11 14:04.

12 BY MS. CONLON:

13 Q. The question was, to your
14 knowledge, what prompted the creation of the
15 guidance in this cable?

16 MS. SANTORA: Objection. Calls for
17 information covered by the deliberative process
18 privilege. I instruct the witness not to
19 answer.

20 MS. CONLON: Just for the record, I
21 object to the instruction in every instance,
22 but always want to make sure you have the
23 opportunity to assert it. Okay.

24 BY MS. CONLON:

25 Q. When was the decision made to

1 issue this cable?

2 A. Some time after January 20th,
3 but before March 25th.

4 Q. Who was involved in the
5 decision to issue this cable apart from you?

6 A. I don't know.

7 Q. Do you know who wrote this
8 cable?

9 A. My recollection -- this one --
10 this one?

11 Q. Yeah. So just for the record
12 so it's clear, we're speaking of the same
13 cable, it's a cable with reference 25 state
14 5914. Is that a meaningful reference number or
15 is there a different number? What is the best
16 way to refer to it? You tell me.

17 A. You see MRN at the top, MRN
18 message record number 25 state 26168.

19 Q. Do you know who wrote this
20 cable?

21 A. I do not recall.

22 Q. Do you know what part of the
23 State Department the person who wrote this
24 cable works in?

25 A. I believe in the Visa office.

1 Q. Looking at that time content of
2 it, on page 3, could you please turn to page 3
3 for me. In paragraph 7, there is an
4 abbreviation used, and I don't know what it
5 means, what does FPU mean in paragraph 7?

6 A. FPU means Fraud Prevention
7 Unit.

8 Q. And what does ECAS stand for?

9 A. ECAS, I do not know what the
10 letters stand for.

11 Q. What does it refer to?

12 A. It refers to the system that
13 the Fraud Prevention Unit uses to track fraud
14 cases.

15 Q. Turning to page 4, paragraph 9.
16 In the beginning of that paragraph, it directs
17 consular officers to review content to
18 understand the grounds under -- withdrawn.

19 In paragraph 9, the cable quotes the
20 language [As read] "An applicant who endorses
21 or espouses terrorist activity or persuades
22 others to endorse or espouse terrorist activity
23 or support a terrorist organization." Right?

24 A. That is what is written on the
25 piece of paper that I have.

1 Q. And that language comes from
2 the foreign policy provision that we discussed
3 earlier, correct?

4 A. I don't have it in front of me,
5 so I can't say.

6 Q. In any case, that language is a
7 basis upon which the State Department could
8 determine which a person is ineligible; is that
9 right?

10 A. Yes.

11 Q. Has the State Department, to
12 your knowledge, issued any guidance on what it
13 means to endorse or espouse terrorist activity
14 under this administration?

15 A. No, not to my knowledge.

16 Q. Are you aware of any, whether
17 its guidance or some other formal document, but
18 any document issued under this administration
19 addressing the meaning of those terms?

20 A. I am not aware of one.

21 Q. Later on in the paragraph it
22 says [As read] "Evidence that an applicant
23 advocates for terrorist activity."

24 I'm going to pause there. Are you
25 aware of any document issued by a State

1 Department concerning what it means for someone
2 to advocate for terrorist activity?

3 A. I'm sorry, where is this?

4 Q. Take your time. It's middle --
5 more than halfway down the paragraph /the
6 sentence that begins with the word "evidence".

7 A. Evidence that an applicant
8 advocates. Evidence --

9 Q. Okay. Have you found the
10 sentence? Sorry, you did.

11 A. Yes.

12 Q. So this sentence states [As
13 read] "Evidence that an applicant advocates for
14 a terrorist activity or otherwise demonstrate a
15 degree of public approval or public advocacy
16 for terrorist activity or terrorist activity or
17 terrorist organization may be indicative of
18 ineligibility under INA 212(a)(3)(b)."

19 So having drawn your attention to that
20 sentence, my question is whether you are aware
21 of any guidance from the State Department on
22 what it means to advocate for terrorist
23 activity.

24 A. Yes.

25 Q. What guidance addresses that

1 language?

2 A. It said it here, 9 FAM 302.6.

3 Q. When to your knowledge was 9
4 FAM 302.6 developed?

5 MS. SANTORA: Objection. Form.
6 Objection as to foundation.

7 A. To my knowledge, it was
8 developed for this administration.

9 BY MS. CONLON:

10 Q. Do you know who developed it?

11 A. I do not.

12 Q. Do you know if that's in a
13 public part of the FAM?

14 A. I do not, no.

15 Q. Do you know what was updated
16 about it during this administration?

17 A. I do not know.

18 Q. Which part of State Department
19 is responsible for updating it?

20 A. 9 FAM?

21 Q. Yes.

22 A. That would be Consular Affairs.

23 Q. Who at Consular Affairs is
24 responsible for updating it?

25 MS. SANTORA: Objection. Calls for

1 speculation.

2 A. I do not know the concrete
3 person.

4 BY MS. CONLON:

5 Q. Is there a particular office,
6 unit or division that is responsible for
7 updating it within Consular Affairs?

8 A. I believe it would be the Visa
9 office.

10 Q. Do you know what 9 FAM 302.6
11 says?

12 MS. SANTORA: Objection. Calls for
13 speculation.

14 A. I do not, but I would be happy
15 to read it over and familiarize myself with it.

16 MS. CONLON: If I had it, I would
17 give it to you, but I don't. Okay.

18 BY MS. CONLON:

19 Q. Do you know what prompted the
20 update to 9 FAM 302.6?

21 A. I do not.

22 Q. Do you know whether 9 FAM 302.6
23 addresses the other provisions in that sentence
24 we read at the meaning of demonstrating public
25 approval or public advocacy for terrorist

1 activity?

2 A. I do not know with certainty.

3 Q. Setting 9 FAM aside for a
4 moment, what is your understanding of what it
5 means for a person to demonstrate a quote
6 degree of public approval or public advocacy or
7 terrorist activity or a terrorist organization?

8 MS. SANTORA: I'm sorry. Can you
9 repeat the question?

10 BY MS. CONLON:

11 Q. Sure. Setting aside 9 FAM,
12 what is your understanding of what it means
13 when it states quote a degree of public
14 approval or public advocacy or terrorist
15 activity or a terrorist organization?

16 A. Seems speculative.

17 Q. I'm asking --

18 A. My understanding?

19 Q. Well, you are the person who
20 approved the cable, so what do you understand
21 that to mean?

22 A. Well -- I'm sorry, could you
23 repeat the question?

24 Q. Sure. What do you understand
25 this statement in the cable to mean, quote a

1 degree of public approval or public advocacy or
2 terrorist activity or terrorist organization?

3 A. I would understand that to
4 mean, for example, public statement, I support
5 Hamas.

6 Q. Would you understand it to mean
7 something less explicit than that?

8 MS. SANTORA: Objection. Form.

9 MS. CONLON: You can answer.

10 THE WITNESS: Am I required to
11 answer?

12 MS. SANTORA: Uh-huh.

13 A. It could. It would depend on
14 the situation where it was at. Maybe there's
15 some hand sign that could be made in a crowd
16 that shows you're supporting Hamas. Terrorist
17 and other groups use hand signs or symbols.

18 BY MS. CONLON:

19 Q. The next part of the sentence
20 or the following sentence says [As read] "This
21 may be evident in conduct if there is a hostile
22 attitude towards U.S. citizens or U.S. culture
23 including Government, institutions or founding
24 principals."

25 What do you understand that to mean?

1 A. A rejection of our system, the
2 U.S. system of Government based on our founding
3 documents, in particular Declaration of
4 Independence and the Constitution.

5 Q. What do you understand the
6 provision here about hostility toward U.S.
7 culture to mean?

8 A. An unjustified rejection of
9 U.S. -- clear U.S. cultural things or icons.

10 Q. Can you give me an example?

11 A. Like burning the U.S. flag.

12 Q. What do you understand the
13 phrase "a hostile attitude toward U.S.
14 citizens" to mean?

15 A. Would be -- this is speculative
16 because you're asking my opinion.

17 Q. I'm asking your opinion, yes.

18 A. My opinion. Not secretary
19 Rubio's?

20 Q. Unless you're in a position to
21 give that?

22 A. I am not. I am definitely not.

23 Q. Yes.

24 A. It would be a blanket
25 condemnation: All Americans are fat and evil.

1 It would not be: I hate hot dogs.

2 Q. Now, you mentioned earlier that
3 9 FAM addresses the endorse or espouse
4 language. Is there any guidance from the State
5 Department that addresses the language we have
6 just discussed?

7 A. I do not know.

8 Q. It goes on to say, to refer to
9 advocacy or sympathy for foreign terrorist
10 organizations.

11 What do you understand that to mean?

12 A. Advocacy, public declarations
13 of support.

14 Q. What about sympathy?

15 A. Public declarations of a good
16 feeling toward a terrorist organization or a
17 positive statements about their activities or
18 advocacy could be encouraging people to donate
19 money to a terrorist organization. Yes,
20 advocacy in my opinion can be an action, not
21 just a statement. But that is only my opinion.

22 Q. I'm going to give you some
23 examples of statements, and I would like to
24 understand whether in your understanding, they
25 meet the criteria set forth in this paragraph.

1 A. Can I just review the paragraph
2 briefly before you give the statements?

3 Q. Please. Absolutely, will you
4 please read paragraph 9?

5 A. Thank you.

6 MS. SANTORA: While he's reviewing,
7 do you know about how much longer you plan to
8 go before breaking?

9 MS. CONLON: I'm very close to being
10 done with this document, and then I'm happy to
11 take a break for however long, if that is okay
12 with you all.

13 MS. SANTORA: Okay. That's fine.
14 Are you okay?

15 THE WITNESS: Yes. (Witness
16 reviewing document.) Thank you. I have
17 reviewed the cable.

18 BY MS. CONLON:

19 Q. Would a statement calling for a
20 free Palestine be covered by the language in
21 paragraph 9 of this cable?

22 MS. SANTORA: Objection. Calls for
23 speculation.

24 A. It could be. What is it? From
25 the mountains to the sea?

1 BY MS. CONLON:

2 Q. A statement "from the river to
3 the sea, Palestine will be free," is that a
4 statement that could be covered by paragraph 9?

5 A. It could be.

6 MS. SANTORA: Objection. Calls for
7 speculation.

8 A. It could be in my opinion,
9 because by definition, it means the elimination
10 of Israel and the Israeli people.

11 BY MS. CONLON:

12 Q. Could a statement denouncing
13 Zionism be covered by paragraph 9?

14 MS. SANTORA: Objection. Calls for
15 speculation.

16 A. In my opinion, yes, because
17 Zionism just is Jewish patriotism or Israeli
18 patriotism.

19 BY MS. CONLON:

20 Q. Could a statement criticizing
21 Israel's actions in Gaza be covered by
22 paragraph 9?

23 MS. SANTORA: Objection. Calls for
24 speculation.

25 A. I think it would depend on the

1 statement.

2 BY MS. CONLON:

3 Q. What about a statement calling
4 for an institutional divestment from Israel?

5 MS. SANTORA: Same objection.

6 A. It could be.

7 BY MS. CONLON:

8 Q. What about a statement calling
9 for an arms embargo on Israel?

10 MS. SANTORA: Same objection.

11 A. It could be, it would depend on
12 phrasing too, but more so than divestment.

13 BY MS. CONLON:

14 Q. What about a statement calling
15 for limiting military aid to Israel?

16 MS. SANTORA: Same objection.

17 A. Yes.

18 BY MS. CONLON:

19 Q. What about a statement calling
20 for humanitarian aid to Palestine or
21 Palestinians?

22 MS. SANTORA: Same objection.

23 A. It would depend, but probably
24 no.

25 BY MS. CONLON:

1 Q. A statement calling for a cease
2 fire?

3 MS. SANTORA: Same objection.

4 A. No.

5 MS. SANTORA: Sorry. Same objection,
6 you can answer.

7 A. Our Government has called for a
8 cease fire. The President has called for a
9 cease fire. So no.

10 BY MS. CONLON:

11 Q. What about a statement
12 criticizing Israel for being a religious state?

13 MS. SANTORA: Same objection.

14 A. It could be. Possibly. I
15 would need to know the details in a lot of
16 these. In a vacuum, it's hard to make a
17 determination, and I think the language of
18 this, it also talks about gathering as much
19 evidence as possible, so...

20 BY MS. CONLON:

21 Q. Is a statement calling Israel
22 an Apartheid state covered, in your opinion, by
23 the language in paragraph 9?

24 MS. SANTORA: Same objection.

25 A. Yes, probably.

1 BY MS. CONLON:

2 Q. Is a statement that compares
3 Israeli policy to that of the Nazis covered by
4 the language in paragraph 9?

5 MS. SANTORA: Same objection.

6 A. I believe so, yes. You mean
7 Nazi Germany, yes?

8 BY MS. CONLON:

9 Q. Yes. Is a statement
10 criticizing the state of Israel as a racist
11 endeavor; would that be covered by paragraph 9?

12 A. Yes.

13 MS. SANTORA: Same objection.

14 BY MS. CONLON:

15 Q. Paragraph 9 also as we
16 discussed speaks of bearing a hostility towards
17 U.S. citizens or U.S. culture. Could a
18 criticism of the administration be covered by
19 paragraph 9?

20 MS. SANTORA: Same objection.

21 A. It could be. It would depend
22 on what words were used.

23 BY MS. CONLON:

24 Q. Could a criticism of
25 administration's policy or actions of Israel be

1 covered by paragraph 9?

2 A. Possibly.

3 MS. SANTORA: Sorry, same objection.

4 A. Sorry.

5 MS. CONLON: I understand you have a
6 standing objection.

7 MS. SANTORA: Standing objection to
8 hypotheticals as speculative. Calling for
9 speculative.

10 A. Possibly, it would depend on
11 the phrasing and what words were used.

12 BY MS. CONLON:

13 Q. So you have said some of these
14 statements could be covered by this policy,
15 correct?

16 A. In my opinion?

17 Q. Yes.

18 A. Speculatively, yes.

19 Q. And I understand you say
20 "speculatively," but isn't the Bureau of
21 Consular Affairs involved in the application of
22 this policy?

23 A. Yes.

24 Q. In other words, the Bureau of
25 Consular Affairs is in the position of needing

1 to determine whether particular statements fall
2 under paragraph 9 or not, right?

3 A. Yes, the individual Visa
4 officers and for the 3B, the terrorism, they
5 would need an advisory opinion, I believe, from
6 the Visa office.

7 Q. Is that referred to as a
8 Security Advisory Opinion?

9 A. Yes, SAO.

10 Q. And who in the Visa office
11 issues that?

12 A. I don't know the exact person.

13 Q. What part of the Visa office is
14 responsible for issuing Security Advisory
15 Opinions?

16 A. I'm not sure.

17 Q. Do you have to clear or approve
18 them?

19 A. Rarely.

20 Q. Have you had to make any
21 decisions relating to the application of the
22 catch and revoke policy?

23 MS. SANTORA: Objection. Form.

24 A. I don't remember.

25 BY MS. CONLON:

1 Q. You said that you rarely have
2 to clear or approve Security Advisory Opinions.
3 In what circumstances have you done that?

4 MS. SANTORA: Objection. To the
5 extent that your answer will call for law
6 enforcement privileged information, I direct
7 you not to answer. If you need to talk, we
8 could take a break.

9 MS. CONLON: It could be a good
10 chance for a break, more generally, if anyone
11 wants to.

12 A. In difficult cases.

13 MS. CONLON: I have follow-up
14 questions.

15 MS. SANTORA: Okay. Are you ready
16 for a lunch break now or do you want to take a
17 short break?

18 A. How many --

19 MS. CONLON: Follow-up questions?

20 THE WITNESS: Yes.

21 MS. CONLON: On this topic or just
22 how much is left for today?

23 THE WITNESS: No, how much on this
24 topic?

25 MS. CONLON: A couple of questions.

1 MS. SANTORA: Do you want to do a
2 couple, and then -- okay.

3 THE WITNESS: Are you okay? All
4 right. Adam, are you all right down there?

5 MS. CONLON: Everyone, please feel
6 free to tell me you need a break. Do you need
7 a break?

8 MS. SANTORA: Yes. Okay.

9 MS. CONLON: Let's take it.

10 THE VIDEOGRAPHER: Off the record
11 14:29.

12 (A break was taken at 2:29 p.m.)

13 THE VIDEOGRAPHER: We're back on the
14 record 15:40.

15 MS. CONLON: Good afternoon.

16 THE WITNESS: Good afternoon.

17 BY MS. CONLON:

18 Q. Just looking to see where we
19 left off. Okay. Earlier, you said that you
20 rarely have to clear or approve Security
21 Advisory Opinions. In what circumstances have
22 you done that?

23 A. When it's a difficult case.

24 Q. Are there any particular types
25 of difficult cases that come your way for a

1 Security Advisory Opinion?

2 A. It would be hard to generalize
3 without getting into information that's either
4 classified or not for public knowledge.

5 Q. Does not for public
6 knowledge -- this is a question to your
7 counsel. Not for public knowledge, do you have
8 an understanding of what that means, if that is
9 different from, you know, classified or
10 confidential?

11 MS. SANTORA: Can we just go off for
12 a minute?

13 MS. CONLON: Yes. Take a second.

14 MS. SANTORA: So the confidentiality
15 issue would be related to the fact that
16 while -- and it is difficult to generalize,
17 because every opinion is different, but while
18 they may not necessarily be privileged, it is
19 law enforcement sensitive information.

20 MS. CONLON: Is it your view that
21 that's not covered by the protective order in
22 this case?

23 MS. SANTORA: Can you repeat the
24 question?

25 MS. CONLON: Sure. Are there

1 particular types of cases that come your way
2 for Security Advisory Opinions. He said
3 difficult cases, then I asked for particular
4 types of difficult cases.

5 MS. SANTORA: To the extent your
6 response would not reveal information that's
7 privileged or classified, you can speak
8 generally to Security Advisory Opinions.

9 A. Noting that my response does
10 not include information that is classified or
11 privileged and deals with law enforcement, such
12 cases would be those that require review by a
13 senior official.

14 BY MS. CONLON:

15 Q. What are the characteristics of
16 a Security Advisory Opinion that requires
17 review from a senior official?

18 A. It depends on the situation and
19 the circumstances and the details.

20 Q. Have you been asked to issue a
21 Security Advisory Opinion relating to a student
22 protester?

23 A. To my recollection, no.

24 Q. Do you know whether since the
25 beginning of this year Security Advisory

1 Opinions have been issued by a State Department
2 concerning student protesters?

3 A. I do not know.

4 Q. Are you the only person who
5 writes Security Advisory Opinions for the
6 Bureau of Consular Affairs?

7 A. I do not write them. I would
8 make a decision.

9 Q. Are you the only person who
10 makes decisions on them?

11 A. No.

12 Q. Who else for the Bureau of
13 Consular Affairs makes decisions on Security
14 Advisory Opinions?

15 A. Generally, people who are
16 employed in the Visa office.

17 Q. Do you know whether since the
18 beginning of this year Security Advisory
19 Opinions have been issued by someone in the
20 Bureau of Consular Affairs concerning
21 pro-Palestinian advocacy?

22 MS. SANTORA: Objection. Form.

23 A. To my knowledge, no, but I have
24 only been working back at the Department of
25 State since February 13th.

1 BY MS. CONLON:

2 Q. Okay. I want to turn for a
3 moment back to your declaration which should be
4 Exhibit 1. And paragraph 16, so that's page 4,
5 no, no, no, I'm sorry. It looks like that's
6 the administrative record in your hand, so
7 maybe I got to exhibit number wrong, but it's
8 your declaration that I'm referring to.

9 A. Let me see if this is it.

10 Q. That is it and that is
11 Exhibit 1. Could you please turn to paragraph
12 16 of your declaration? When you have reviewed
13 that paragraph, let me know.

14 A. (The witness reviews document.)
15 I have completed my review.

16 Q. Thank you. Okay. Paragraph 16
17 refers to new guidance to consular officers on
18 reviewing Visa applicants' social media,
19 correct?

20 A. That is what is written.

21 Q. Is paragraph 16 describing the
22 cable we have been reviewing MRN 25 state
23 26168?

24 A. I do not know.

25 Q. Is there anything that would

1 help you determine what you meant in that
2 paragraph when you said that the State
3 Department offered new -- is there anything
4 that would help you determine what you meant in
5 paragraph 16 where you said that the State
6 Department had offered new guidance to
7 counselor offers offering Visa applicants'
8 social media?

9 A. My review of all the cables we
10 sent, it seems that this cable is part of that.

11 Q. Do you -- are you aware of
12 other cables that are a part of the new
13 guidance referenced in paragraph 16?

14 A. I do not recall any at this
15 moment, but there are many cables that have
16 been set.

17 Q. Are there many cables -- well,
18 withdrawn.

19 Are there many cables that have been
20 sent concerning the social media review
21 noncitizens?

22 MS. SANTORA: Objection. Form.

23 A. I can say with certainty that
24 this cable was sent regarding social media
25 vetting.

1 BY MS. CONLON:

2 Q. Have there been others?

3 A. There may have been. I do not
4 recall concretely.

5 Q. The sentence in paragraph 16,
6 [As read] "It is true that the State Department
7 has authored new guidance" -- I won't read the
8 whole rest of it, the one that we've been
9 discussing. Does that refer to guidance
10 outside of cables?

11 A. It could be discussion of the
12 cables, but I believe that that refers first
13 and foremost to cables. That is my
14 understanding of the paragraph as written.

15 Q. You said guidance could also
16 include discussion of the cables; is that
17 correct?

18 A. Yes.

19 Q. In other words --

20 A. No. I said it could also be
21 discussion of the guidance.

22 Q. I'm sorry, I think I'm not
23 understanding.

24 A. Please.

25 Q. I'm going to try. In paragraph

1 16 where you refer to new guidance, what are
2 you referring to apart from cables?

3 A. I believe first and foremost,
4 this refers to cables, but there can be
5 discussion of guidance, clarification of
6 guidance in the form of webinars.

7 Q. Can clarification of guidance
8 take any other form?

9 A. Theoretically, there could be
10 an e-mail.

11 Q. Do you know if there have been
12 any webinars on this topic?

13 A. I do not. No. I do not recall
14 precisely.

15 Q. So, am I correct -- is this
16 statement correct that guidance can include
17 formal communications like cables and also
18 informal communications like e-mails?

19 MS. SANTORA: Object to the
20 characterization. So objection. Form.

21 A. In my opinion, the guidance is
22 the cable, the FAM. The discussions are not
23 the guidance. They can --

24 BY MS. CONLON:

25 Q. Are you finished?

1 A. Yes.

2 Q. The discussions can clarify the
3 guidance?

4 A. It could.

5 Q. Are there any e-mails that you
6 have sent or received concerning the social
7 media -- well, withdrawn.

8 Are there any e-mails that you have
9 sent or received that clarify the State
10 Department's guidance on reviewing Visa
11 applicants' social media?

12 MS. SANTORA: Objection. Form.

13 A. To my recollection, I have not
14 sent such e-mails.

15 BY MS. CONLON:

16 Q. Have you received them?

17 A. I don't know.

18 Q. Have you -- are there any --
19 and I apologize, I don't want to retread ground
20 that we have been on, but are there any
21 clarifications of guidance including webinars
22 or e-mails that you have received regarding the
23 catch and revoke policy?

24 A. I recall none.

25 Q. I'll ask you the same thing,

1 any clarifications of guidance you have
2 received in any form to include discussions
3 about the catch and revoke policy?

4 A. Not that I recall.

5 Q. Did you participate in the
6 drafting of your declaration in this case?

7 A. I reviewed it.

8 Q. Who drafted it for you, if you
9 recall?

10 A. I do not recall.

11 Q. When this was drafted, were any
12 documents compiled in the course of drafting
13 it?

14 A. I do not know, I was not
15 involved in drafting it.

16 Q. When you reviewed it for
17 accuracy before you signed it, did you consult
18 any documents?

19 A. I believe I looked at some
20 documents, but I do not remember what they
21 were.

22 Q. Were those documents provided
23 to you in an e-mail?

24 A. I'm not sure.

25 Q. Were those documents provided

1 to you by someone else to review in tandem with
2 your declaration?

3 A. Yeah. The staffer would have
4 brought in it.

5 Q. And in what form would you have
6 received that?

7 A. In general, I receive things in
8 hard copy because its quicker to review.

9 Q. Do you know where the documents
10 are that were put together for you to look at
11 in tandem with this declaration?

12 A. Pardon.

13 Q. Do you know where the documents
14 are that were put together for you to review in
15 tandem with this declaration?

16 A. I do not, they could have been
17 shredded.

18 Q. Just to make sure we have
19 covered all your bases, have you sent any
20 communications to anyone regarding the catch
21 and revoke policy?

22 A. Not that I remember.

23 Q. Okay. Now, you had mentioned
24 earlier that the catch and revoke policy
25 addresses anti-Semitic activity, right?

1 A. With a previous question?

2 Q. Yes.

3 A. I remember clearing on a report
4 on the execution of the executive orders.

5 Q. You remember clearing on a
6 report on the execution --

7 A. About the carrying out.

8 Q. Yes. Okay --

9 A. And I remember that catch and
10 revoke was mentioned in one place in that
11 report when I saw it. That is the one document
12 that I recall. I apologize for not answering
13 straight up.

14 Q. It's a lot to take it all in,
15 and I appreciate you bringing it up. What kind
16 of a report was it?

17 A. It was a report for the White
18 House.

19 Q. Is it a report of
20 investigation?

21 A. The report?

22 MS. SANTORA: Objection. We are
23 going to invoke the presidential communications
24 privilege regarding reports to the White House.

25 MS. CONLON: I'm going to ask

1 questions around it, and you tell me if this
2 invokes privilege from your perspective or not.

3 BY MS. CONLON:

4 Q. Do you know whether the report
5 you reviewed in fact was sent to the White
6 House?

7 A. I am not sure.

8 Q. Do you know whether you
9 reviewed a draft of a report or a final report?

10 A. My recollection is, I reviewed
11 a draft.

12 MS. CONLON: I think my perspective,
13 and this is for your counsel, would be that
14 something that is not a communication that
15 actually went to the White House but is a draft
16 isn't covered by a communication made to the
17 White House, but I will admit that this is my
18 first encounter with this issue, surely not
19 yours, so why don't you tell me your position?

20 MS. SANTORA: So our position would
21 be to the extent that it was a draft without
22 having to reach the presidential communications
23 privilege, it would be privilege under the
24 deliberative process privilege.

25 MS. CONLON: But we don't know if

1 it's a draft that contains deliberations. We
2 don't know anything about what it is or not.

3 MS. SANTORA: Well, it's a draft, so
4 it's not final. So to the extent it's a draft,
5 it doesn't represent a final position of the
6 agency.

7 MS. CONLON: Sure. But I guess what
8 I'm saying is, I don't think I have asked him
9 to describe even the content of it. I'm saying
10 I intent to keep asking questions about what it
11 is.

12 MS. SANTORA: Okay. That's fine.
13 Based on your questions, I may raise ether the
14 presidential communications privilege or the
15 deliberative process privilege.

16 MS. CONLON: I understand.
17 BY MS. CONLON:

18 Q. The draft report -- let me
19 withdraw that.

20 The report you recall receiving about
21 the implementation of these executive orders
22 that reference to catch and revoke policy, do
23 you recall who sent it to you?

24 A. I believe it was Lew Olowski.

25 Q. Do you recall who else it was

1 sent to?

2 A. No.

3 Q. About how long ago did you
4 receive it?

5 A. Two months ago, perhaps.

6 Q. Some time in April?

7 A. Not in May.

8 Q. Before May?

9 A. Yes.

10 Q. Did you make any revisions to
11 the report?

12 MS. SANTORA: Objection. Calls for
13 information covered by the deliberative process
14 privilege and I instruct the witness not to
15 answer.

16 MS. CONLON: I have a standing
17 objection to the instruction for this line of
18 questioning, but I will obviously honor it.

19 BY MS. CONLON:

20 Q. Did you contribute to the
21 drafting of this report in any way?

22 A. No.

23 Q. Were you asked to clear the
24 report?

25 A. Yes.

1 Q. Did you clear the report?

2 A. Yes, I cleared the report.

3 Q. Do you know who in the White
4 House the report but meant to be sent to?

5 A. I do not remember exactly.

6 Q. Was there a particular office
7 or person in the White House who receives
8 communications like this from the State
9 Department?

10 MS. SANTORA: Objection. Foundation.
11 Calls for speculation.

12 A. I believe the executive
13 secretary of the NSC, but I'm not sure.

14 MS. CONLON: Just a moment.

15 BY MS. CONLON:

16 Q. Do you know whether the report
17 was sent to anyone other than the Executive
18 Secretary of NSC?

19 MS. SANTORA: Objection. Foundation.
20 Calls for speculation.

21 A. I have no knowledge of any
22 persons other than my previous speculation.

23 BY MS. CONLON:

24 Q. And have you -- do you know
25 whether the report was sent to the Secretary of

1 State for his review?

2 A. I do not know.

3 Q. When you were finished
4 reviewing the report, who did you send it back
5 to?

6 A. Back to Mr. Olowski.

7 Q. Was anyone CC'd on your
8 communications with Mr. Olowski about the
9 report?

10 A. I do not recall.

11 Q. Is it your practice to?

12 THE COURT: Any of your staffers on
13 your e-mails.

14 A. It depends on the situation. I
15 believe Mr. Olowski sent the report to me
16 directly without the staffers.

17 Q. Have you heard anything about
18 the report since you sent it back to
19 Mr. Olowski?

20 MS. SANTORA: Objection. Calls for
21 material privileged under the deliberative
22 process privilege. I instruct the witness not
23 to answer to the extent that your answer would
24 reveal deliberations.

25 A. I cannot answer the question in

1 that case.

2 BY MS. CONLON:

3 Q. To be clear, the question is
4 not what have you heard, but just whether you
5 have heard of the report again since sending it
6 to Mr. Olowski.

7 A. After sending it to Mr.
8 Olowski?

9 Q. Correct.

10 A. Whether I have heard anything
11 about the report?

12 Q. Since then.

13 A. Yes.

14 Q. Do you know whether the report
15 has been implemented?

16 A. No.

17 MS. SANTORA: Objection. Form.

18 BY MS. CONLON:

19 Q. Did the report cause the State
20 Department to take any particular action?

21 A. I don't know.

22 Q. Did the report effect your work
23 in the Bureau of Consular Affairs in any way?

24 A. I do not believe so.

25 Q. Apart from the report, the

1 substance of which I understand privilege is
2 being asserted over, is there any other written
3 document or communication that you have
4 received concerning the catch and revoke
5 policy?

6 A. I don't know with certainty.

7 Q. Apart from the report, is there
8 any other written document or communication
9 that you have sent concerning the catch and
10 revoke policy?

11 A. I don't recall.

12 Q. Okay. So I think when you
13 mentioned the report, I was just asking you
14 back to the catch and revoke policy, the catch
15 and revoke policy addresses anti-Semitic
16 activity of non-Visa immigrants among other
17 things, correct?

18 MS. SANTORA: Objection. Calls for
19 speculation. Are you able to show him the
20 document that you're referring to?

21 MS. CONLON: Do you know what's
22 really funny about that? I think our
23 colleagues just had a meet and confer with all
24 of you asking for that document that we have
25 asked for repeatedly and have not received it,

1 so I cannot. But if you have it, I sure would
2 like to see it.

3 MS. SANTORA: Well, to the extent he
4 answers questions about it today, his answers
5 will be speculative.

6 MS. CONLON: He has seen the
7 document. He has approved the document, and if
8 he doesn't know to answer to the question, he
9 can tell me, so I appreciate the standing
10 objection, but I am going to continue to ask
11 about it. You asked --

12 A. Could you repeat?

13 Q. Yes. Okay. So the catch and
14 revoke policy, you mentioned earlier that it
15 addresses anti-Semitic activity -- hang on one
16 second. That it addresses anti-Semitic
17 activity; is that correct?

18 A. Not completely.

19 Q. What part of that is incorrect?

20 A. That it addresses various types
21 of activity including anti-Semitic activity,
22 including violation of law and other
23 information that could be the basis for
24 revocation.

25 Q. With respect only to

1 anti-Semitic activity -- well, withdrawn
2 actually.

3 Do you recall whether the catch and
4 revoke policy additionally addressed pro-Hamas
5 activity?

6 A. I do not recall concretely.

7 Q. With respect to anti-Semitic
8 activity, do you recall whether the catch and
9 revoke policy that described what that activity
10 might include?

11 A. I do not recall.

12 Q. The State Department has been
13 tasked with determining whether certain
14 activities by noncitizens are anti-Semitic
15 within the meaning of executive orders,
16 correct?

17 A. I would have to look at the
18 executive orders to say. I'm happy to review
19 them.

20 MS. CONLON: Just a moment.

21 BY MS. CONLON:

22 Q. I am going to pull out the
23 executive orders in just a second, but as to
24 the report, tell me what your position is on
25 this question.

1 Mr. Armstrong, I would like to know
2 whether the report that you mentioned that was
3 prepared for the White House contained
4 directives or policy guidance?

5 MS. SANTORA: He has testified that
6 it was a draft report, so I will direct him not
7 to answer regarding because his answer will
8 involve material covered by the deliberative
9 process privilege.

10 BY MS. CONLON:

11 Q. As we sit here, do you know
12 whether the version you saw is the same as the
13 final version?

14 A. I do not --

15 MS. SANTORA: Objection. Foundation.

16 BY MS. CONLON:

17 Q. Okay.

18 A. I must answer?

19 MS. SANTORA: Yeah, you can go ahead
20 and answer.

21 A. Could you repeat the question,
22 please?

23 MS. CONLON: Sorry. I need just one
24 second. I'm sorry.

25 BY MS. CONLON:

1 Q. Did you have any meetings with
2 anyone concerning the preparation of that
3 report?

4 A. None that I recall.

5 Q. Did you have any conversations
6 with anyone concerning the report?

7 A. Yes.

8 Q. I appreciate your good spirits.
9 Who did you speak to?

10 A. Someone in the Visa office.

11 Q. Who was that?

12 A. My recollection is it was
13 Managing Director Jessica Norris.

14 Q. About when did you speak with
15 her? When did you speak with her?

16 A. When I was clearing the report.
17 It was probably in the afternoon.

18 Q. That's okay. Do you know who
19 was involved in the development of the report?

20 A. Mr. Olowski.

21 Q. Do you know whether anyone else
22 was involved in the development of the report?

23 A. I do not know.

24 Q. Did Ms. Norris also clear the
25 report?

1 A. No.

2 MS. CONLON: Yes. I'm just trying to
3 remember where I was. I'm sorry. I need one
4 second. The executive order. I'm just
5 grabbing a copy of the executive orders for
6 you. But overall question, whether from the
7 E.O.s or anywhere else, the State Department
8 Bureau of Consular Affairs has been asked to
9 review activities for anti-Semitism, correct?

10 MS. SANTORA: Objection. Form.

11 MS. CONLON: You can answer, if you
12 can.

13 THE WITNESS: I need to answer this?

14 MS. SANTORA: Uh-huh.

15 A. Yes.

16 BY MS. CONLON:

17 Q. Have you received any guidance
18 from anyone on what the State Department should
19 treat as being anti-Semitic?

20 A. No.

21 Q. What is your understanding of
22 what is anti-Semitic for the purposes of the
23 State Department's review of noncitizens
24 conduct based on?

25 MS. SANTORA: Objection. Form.

1 Calls for speculation.

2 THE WITNESS: Is this deliberative?

3 MS. SANTORA: To the extent that your
4 response would reveal deliberations, I direct
5 you not to answer.

6 THE WITNESS: Thank you.

7 MS. CONLON: Can you respond?

8 A. What was the question? I'm
9 sorry.

10 BY MS. CONLON:

11 Q. That's okay. You said you
12 haven't received guidance from anyone on what
13 is anti-Semitic for the purposes of the State
14 Department's work, and so I'm asking what your
15 understanding of it is based upon if not
16 guidance from anyone.

17 A. Hatred of Jews, things that are
18 Jewish and/or Israel including Jewish people,
19 and Israeli people. Also prejudice against
20 those categories of people and things.

21 MS. CONLON: Okay. Just one moment.

22 A. May I continue my answer?

23 Q. I'm so sorry. I didn't know
24 you weren't finished.

25 A. Okay.

1 Q. Please go on.

2 A. Of course this may also depend
3 on the circumstances and the situation in which
4 such actions, views, efforts were taken.

5 MS. SANTORA: Before you ask your
6 next question, can we take a brief break?

7 MS. CONLON: Sure. Beforehand?

8 MS. SANTORA: Yes.

9 MS. CONLON: Sure.

10 THE VIDEOGRAPHER: Off the record at
11 16:16.

12 (A break was taken at 4:17 p.m.)

13 THE VIDEOGRAPHER: Back on the record
14 16:41.

15 BY MS. CONLON:

16 Q. So before we went on the break
17 you were speaking about the meaning of
18 anti-Semitic activity for the purpose of State
19 Department work.

20 I spoke with you about some statements
21 earlier when we discussed the social media
22 guidance. I want to return to that for a
23 moment. I'm just trying to find it in the
24 transcript so bear with me, please. All right.
25 Okay.

1 Would a statement calling for a free
2 Palestine be anti-Semitic for the purposes of
3 the State Department's work

4 MS. SANTORA: Objection. Calls for
5 speculation.

6 A. That's a hard one to answer
7 without knowing the complete context that the
8 statement was made in because a lot of our work
9 is actually quite complicated, and we work on a
10 lot of different issues in one day.

11 But without knowing the full context, it
12 would be quite difficult and quite a real
13 hypothetical to make a statement on that.

14 I'd have to know, you know, the
15 situation, what was going on, the details to
16 really see if the -- for the State Department
17 purposes as I believe you put it.

18 BY MS. CONLON:

19 Q. Yes. So, for example, if a
20 student protester chanted, "free Palestine" is
21 that anti-Semitic for the State Department Club
22 in its review of that activity?

23 MS. SANTORA: Objection. Calls for
24 speculation.

25 A. It seems to be pretty

1 speculative to me because, again, it may be
2 more than just a protest, it maybe it's a
3 violent protest. Maybe they're blocking a
4 synagogue and shouting that, maybe they're in
5 the synagogue, they've crossed into the
6 synagogue or in a Jewish cemetery knocking
7 overhead stones. So you'd have to know the
8 full context, and without the full context it's
9 really difficult for me to say.

10 As I said, our work is complex and
11 requires judgment which is one of the reasons
12 they have such high standards to get into the
13 foreign service in my opinion.

14 BY MS. CONLON:

15 Q. The statement, "from the river
16 to the sea Palestine will be free," is that
17 anti-Semitic?

18 MS. SANTORA: Objection. Calls for
19 speculation.

20 A. In this case, too, it would
21 require to know more details, however, that
22 statement in itself carries the implication
23 that there is no river. There is no -- sorry.
24 There's a river, but there's no Israel and no
25 Israeli's, in other words, no Jews.

1 So that one, perhaps, some less context
2 would be needed. That's a clear -- and it's a
3 clear message imbedded in there that if
4 Palestine is there, there ain't no Israel or
5 Israeli's.

6 BY MS. CONLON:

7 Q. A statement -- what about a
8 statement that calls for an arms embargo to
9 Israel?

10 MS. SANTORA: Objection. Calls for
11 speculation.

12 A. This one is -- again, is
13 complex, hard, requires background details, the
14 full picture and probably some careful thought,
15 actually.

16 You know, why did they say it, when did
17 they say it, who did they say it to, but
18 certainly it does have an implication buried in
19 there that you want to take away the weapons
20 that Israel needs to defend itself so
21 that perhaps. I don't know. I need to know
22 the whole situation, it's hard, it's
23 complicated like life.

24 BY MS. CONLON:

25 Q. And you have to make these

1 determinations in the course of your work
2 without any set standard; is that correct?

3 MS. SANTORA: Objection. Form. Lack
4 of foundation.

5 A. Well, I think the executive
6 order gives some as I recall and of course I'd
7 to look at it again, if you've got it.

8 MS. CONLON: I think I can help you
9 with that. Oh, we took it out. We took it out
10 to give to you and then I didn't or maybe I
11 did. One second. Did I give you guys 14 --

12 MS. SANTORA: No, I think we took a
13 break right as you were planning to. I just
14 have Exhibits 1, 2, and 3.

15 MS. CONLON: Okay. Give me a second
16 while I look through my pile here. Here we go.
17 Okay.

18 MS. SANTORA: Thank you.

19 THE WITNESS: Thank you.

20 MS. CONLON: Ms. Henderson was that
21 No. 4?

22 THE COURT REPORTER: 4.

23 THE WITNESS: I'm going to review the
24 document.

25 MS. CONLON: Please do.

1 A. I believe the question was
2 guidance and this does provide some guidance
3 but it also refers to other guidance in
4 previous Executive Order 13899 so there is some
5 guidance.

6 BY MS. CONLON:

7 Q. And do you review that guidance
8 when you are making determinations about
9 whether a particular person's conduct is
10 anti-Semitic?

11 A. In my duties I usually don't
12 make those determinations.

13 Q. Who does?

14 A. People in the Visa office.

15 Q. Your subordinates?

16 A. Yes. Well -- yes.

17 Q. What training have your
18 subordinates received on how to determine
19 whether a particular activity is anti-Semitic?

20 MS. SANTORA: Objection. Lack of
21 foundation.

22 A. I don't know.

23 BY MS. CONLON:

24 Q. Have you given them any
25 training?

1 A. No.

2 Q. Do you know what -- withdrawn.

3 Have you given them any written guidance to
4 determine whether particular activity or
5 statements is anti-Semitic?

6 A. No, however not written but I
7 know everyone knows about these executive
8 orders because we always carry out executive
9 orders regardless of who the President is.

10 Q. Okay. Withdrawn. Are you
11 aware of any materials that those in the Visa
12 office who have to make these determinations
13 refer to when they are determining whether
14 certain conduct is anti-Semitic?

15 MS. SANTORA: Objection. Calls for
16 speculation.

17 A. There may be. I don't know.

18 BY MS. CONLON:

19 Q. Are you aware of any work
20 product that has been generated internally in
21 your bureau regarding how to determine if
22 certain conduct or speech is anti-Semitic?

23 A. I do not recall any knowledge
24 of such a work product.

25 Q. Have you exchanged any

1 clarifying guidance -- withdrawn. Have you
2 shared any clarifying guidance with those who
3 work for you in the Visa office on this issue?

4 A. I recall none.

5 Q. And it is your understanding --
6 well withdrawn. You mentioned that Executive
7 Order 14188 incorporates a prior Executive
8 Order 13899, correct?

9 A. That is actually what the paper
10 says.

11 Q. And you are -- do you have any
12 familiarity with the previous order that it
13 incorporates?

14 A. Some. I would be happy to
15 familiarize myself with it, if you have it.

16 Q. If I did, I would give it to
17 you.

18 Is it your understanding that that
19 previous executive order adopts the
20 International Holocaust Remembrance Alliance
21 definition of anti-Semitism?

22 MS. SANTORA: Objection. Calls for
23 speculation, and without seeing the document
24 his answers will be speculative.

25 MS. CONLON: If you can answer the

1 question you still have to.

2 A. Without seeing the document
3 it's really difficult for me to answer that
4 question. I wouldn't want to hazard a guess
5 because I would want to be as accurate and
6 truthful as possible as counsel for the
7 Government has reinforced with me that I need
8 to be accurate and truthful in all statements.

9 BY MS. CONLON:

10 Q. Have you have made any
11 statements that you are concerned that are not
12 accurate and truthful thus far?

13 A. No.

14 Q. Are you familiar with the
15 International Holocaust Remembrance Alliance
16 definition for anti-Semitism whether in an
17 executive order or otherwise?

18 A. Somewhat familiar.

19 Q. Did you rely on that definition
20 in your work at the State Department?

21 A. I haven't had to use it in my
22 work in my current position.

23 Q. What about in past positions?

24 A. I'd have to look at it,
25 actually, to refresh my memory because I have

1 worked on Jewish and Holocaust issues in the
2 past.

3 Q. Do you know whether the Visa
4 office personnel who have to make these
5 assessments use the definition from the
6 International Holocaust Remembrance Alliance?

7 A. I do not know.

8 Q. Is there someone other than you
9 responsible for training the Visa office
10 personnel who make these decisions on how to
11 determine whether conduct is anti-Semitic?

12 A. I'm responsible for all the
13 operations of the Bureau of Consular Affairs.
14 13,000 people worldwide with a budget of five
15 billion, however -- over five billion all fees,
16 however, the Visa office is under Deputy
17 Assistant Secretary Wilson and also Managing
18 Director Norris.

19 And I believe they would also be
20 responsible for the operations of the Visa
21 office and I above them are responsible for
22 their operations and the operations of
23 everything that is underneath them.

24 Q. I see. In other words, you are
25 not in the position of yourself directly giving

1 trainings to employees in the Visa office,
2 correct?

3 A. Yes.

4 Q. It's -- that responsibility
5 would fall to one of your subordinates but not
6 sit with you, correct?

7 A. I'm responsible for everything
8 they do. The buck stops here with me.
9 However, there are other people who are also
10 responsible.

11 Q. When I say responsible -- well,
12 withdrawn.

13 Are there people who are your
14 subordinates who have as one of their
15 particular duties of their job to train people
16 in the Visa office on the implementation of
17 guidance from the Department of State?

18 A. Guidance in general?

19 Q. Sure. Yes.

20 A. Yes, that's done, for example,
21 in Webinars to clarify the meaning of the
22 guidance.

23 Q. Right. Are there people
24 subordinate to you whose particular duties
25 include training people in the Visa office on

1 the implementation of Executive Order 14188,
2 additional measures to combat anti-Semitism?

3 A. I do not know.

4 Q. Are there likewise people
5 subordinate to you whose particular duties
6 include training people in the Visa office on
7 the implementation of the other executive order
8 that we've discussed 14161?

9 MS. SANTORA: Objection. Calls for
10 speculation.

11 A. I do not know. I speculate
12 there probably are.

13 BY MS. CONLON:

14 Q. Are there people subordinate to
15 you whose particular duties include training
16 people in the Visa office on the catch and
17 revoke policy?

18 MS. SANTORA: Objection. Calls for
19 speculation.

20 A. I do not know.

21 BY MS. CONLON:

22 Q. Who would know?

23 MS. SANTORA: Objection. Calls for
24 speculation.

25 A. Other people responsible for

1 the operations of the Visa office.

2 BY MS. CONLON:

3 Q. And whose responsibilities
4 within the Visa office at -- are relevant to
5 training members of the Visa office on these
6 executive orders?

7 MS. SANTORA: Objection. Lack of
8 foundation. Calls for speculation.

9 A. Deputy Assistant Secretary
10 Stuart Wilson and Managing Director Jessica
11 Norris are responsible for the total operations
12 of the Visa office, as am I responsible for
13 their operations and the Visa office. Yes,
14 it's my head that rolls.

15 BY MS. CONLON:

16 Q. This executive order that we
17 have in front of us 14188, calls for in section
18 3 the creation of a report to the President as
19 per response from the State Department to this
20 order.

21 My question is whether the report that
22 you mentioned earlier is the report referenced
23 here in section 3?

24 A. I'm going to familiarize myself
25 with section 3.

1 Q. Take your time. And I'm
2 referring to section 3A.

3 A. Yes, it is that report as I
4 recall it.

5 Q. Do you recall whether that
6 report was titled -- this is going to be
7 long -- report on Department of State authority
8 to counter anti-Semitism and recommendations
9 for familiarizing institutions of higher
10 education with the security and related grounds
11 of Visa inadmissibility?

12 MS. SANTORA: Objection. Calls for
13 speculation. And to the extent you have a
14 document, can you show it to him?

15 MS. CONLON: I'm going surprise you
16 with more jokes again which is that this
17 document was withheld by the Government and
18 given only to the court in our case.

19 We just received the privilege
20 log, and that is the title of one of the
21 documents on it, and I'm trying to ascertain if
22 that document is the one that we're talking
23 about, so I don't have it, otherwise, I would
24 definitely be using it.

25 MS. SANTORA: Okay, well it was

1 withheld for privilege reasons, and the court
2 is currently reviewing it.

3 MS. CONLON: Right. So my question
4 is simply are we talking about that same report
5 or some other report, not what the content of
6 the report is?

7 MS. SANTORA: Okay. That's fine.
8 Just the objection would be that without seeing
9 it and I understand the circumstances of why he
10 can't see it, he would be speculating.

11 MS. CONLON: If he knows the title of
12 the report he saw, can't he tell me that
13 that's --

14 MS. SANTORA: He can say what he
15 remembers. To the extent he's not looking at
16 the report, that would be speculative.

17 BY MS. CONLON:

18 Q. Sure. So understanding, Mr.
19 Armstrong, that I can't give you a copy of the
20 report right now, the very long title that I
21 read to you, do you recall whether that was the
22 title of the report that you reviewed?

23 A. I do not recall. I do not
24 know.

25 Q. Fair enough. Are you aware --

1 withdrawn. Okay. We understand that in March
2 the Department of Homeland Security developed a
3 new process in response to these E.O.s that
4 involves the State Department.

5 Have you been a part of a new process
6 developed in conjunction with the Department of
7 Homeland Security beginning in March?

8 MS. SANTORA: Objection. Foundation.

9 BY MS. CONLON:

10 Q. I can -- maybe I can give more
11 guidance. We spoke with --

12 A. Yes.

13 Q. We spoke with Mr. Andre Watson
14 yesterday.

15 A. Mm-hmm.

16 Q. Have you had occasion since
17 March to coordinate with him on referrals or
18 Visa revocations of student Visa holders?

19 A. Since March or since March 1st?

20 Q. Since March 1st.

21 A. I have been in communication
22 with Mr. Watson as has the Deputy Assistance
23 Secretary for Visa Services, Stuart Wilson and
24 then Acting Principle Deputy Assistant
25 Secretary Shane Myers as well as Managing

1 Director Norris in receiving information and
2 what's not a new process it seems to me because
3 we've received information from DHS in the
4 past, received information from all sorts of
5 sources.

6 Information about students who -- for
7 consideration on Visa revocations.

8 Q. Information about students in
9 consideration on Visa revocations on what
10 basis?

11 A. On the basis that their
12 activity is not consistent with the type of
13 Visa they were issued.

14 Q. Is there a particular statutory
15 provision for revocations of Visa holders based
16 on their engaging in activities that are not
17 consistent with the type of Visa they were
18 issued?

19 A. As I stated in my -- what is
20 this called.

21 Q. Declaration, I think.

22 A. Declaration -- Exhibit 1. As I
23 stated in Exhibit 1, paragraph 8, the State
24 Department has the authority to revoke Visa
25 under Section 221(i) of the Immigration

1 Nationality Act.

2 Also the U.S. code is cited here which
3 states, [As read] "In pertinent part after
4 issuance of a Visa the documentation to any
5 alien in th Consular Office of the Secretary of
6 State may at any time in his discretion revoke
7 such a Visa or other documentation." So to
8 answer to the question 221(i) of the INA.

9 Q. Is there a policy that guides
10 the application of the statutory provision in
11 paragraph 8?

12 A. Policies that exist for years,
13 yes.

14 Q. Are there any new policies
15 under this administration regarding the
16 application of the provision in paragraph 8?

17 A. In my recollection, no.

18 Q. Is there any guidance or
19 instructions regarding the application of the
20 provision in paragraph 8?

21 A. The cables. The two cables
22 that we mentioned deal with 22NI if I'm not
23 mistaken, the catch and revoke and the vetting
24 cable which I believe the vetting cable is
25 Exhibit 3 MRN 25 State 26168.

1 Q. Is there any guidance apart
2 from the vetting cable and the catch and revoke
3 policy regarding when the provision in
4 paragraph 8 should be applied?

5 A. There's been policy for years
6 well established.

7 Q. Is there any new policy that
8 developed under this administration?

9 A. To my knowledge, no, as far as
10 I recall no, other than the two cables, the
11 catch and revoke in Exhibit I believe 3. Yes,
12 Exhibit 3.

13 Q. Paragraph 8 the provision
14 that's cited here indicates that the Secretary
15 of State may in his discretion revoke a Visa,
16 correct?

17 A. Only partially correct. The
18 Consular Officer or the Secretary of State.

19 Q. I did not mean to exclude
20 Consular Officers, that was an oversight. In
21 pertinent part, though, it says, in his
22 discretion.

23 So my question is whether you have
24 received any clarification from anyone on when
25 it is appropriate for the State Department to

1 recommend to the secretary that the secretary
2 exercise their discretion here on this
3 provision?

4 A. Only the Secretary, not
5 Consular Officers.

6 Q. No, I keep forgetting them, the
7 Secretary or Consular Officers. Thank you for
8 asking.

9 A. And what was it -- I'm sorry.
10 What was it that they received or did not?

11 Q. Whether they have received any
12 clarification on when it is appropriate for the
13 Consular Officer or Secretary of State to use
14 the discretion forwarded to them under this
15 provision to revoke a Visa?

16 A. I do not know of clarification
17 except in certain difficult cases.

18 Q. When you say, "except in
19 certain difficult cases," are you thinking of
20 any particular cases?

21 A. In certain different -- I'm
22 sorry. I'm getting tired and slow.

23 Q. Me too.

24 A. In certain difficult cases
25 where the decision of a higher level manager is

1 needed where the action officer is unable to
2 make a determination, yes, no, then it goes up
3 to a higher level. In rare cases since I've
4 been in my position, the current position of
5 senior bureau official since February 27th
6 there have been a handful that have been
7 brought to me for discussion.

8 Q. Have all of the ones that were
9 brought to you for discussion concerned the
10 application of this provision from paragraph 8?

11 A. Of 221(i)?

12 Q. Yes.

13 A. There were some that also
14 involved 3C and 4C, I believe.

15 Q. That's a new one for me. Okay.
16 Now, you said the -- well, withdrawn.

17 Were you a part of any briefings in
18 March concerning a new effort to focus on
19 student protesters with respect to Visa
20 revocations?

21 MS. SANTORA: Objection. Form.

22 A. I do not recall any such
23 briefings.

24 BY MS. CONLON:

25 Q. Were you a part of any

1 briefings where there was a discussion even if
2 it's not the focus of the meeting, regarding a
3 new referral process from his overseen by
4 Mr. Watson to you at the Department of State?

5 A. I would take issue with the
6 description of that as a new process. I
7 believe my predecessor Julie Stufft and her
8 predecessors also engaged and contact with DHS,
9 but I cannot say that with full certainty.

10 The cast of characters may have changed,
11 but it is my understanding that the process has
12 been there for years.

13 Q. When you say "process" you just
14 mean -- well, withdrawn. When you say
15 "process", you mean a referral from Homeland
16 Security to the Department of State to take
17 action on a Visa, correct?

18 A. A communication. Yes.

19 Q. But that's the process?

20 A. A communication.

21 Q. Okay. Now have you been a part
22 of any recurring meetings regarding the
23 revocation of Visas of certain student
24 protesters?

25 A. No, not recurring meetings.

1 Q. What about any non-recurring
2 meetings?

3 A. Yes.

4 Q. Approximately, how many?

5 A. Any meeting where it was
6 discussed?

7 Q. Yes.

8 A. I do not recall. It was more
9 than four.

10 Q. When did those meetings begin?

11 A. Sometime after I assumed my
12 current position.

13 Q. So March or thereafter. The
14 beginning of March or thereafter?

15 A. Sometime after. I assumed the
16 position on February 27th.

17 Q. Who was in the meetings that
18 you participated in where the revocation of
19 Visas for student protesters was discussed?

20 THE WITNESS: Is this deliberation?

21 MS. SANTORA: She's asking you who.

22 THE WITNESS: Okay.

23 A. The staff of consular affairs,
24 mostly Visa Office and the Consular Affairs
25 front office, different people different times.

1 Sometimes it would come up in our
2 leadership meetings or in our DAS meetings,
3 deputy assistant secretaries.

4 BY MS. CONLON:

5 Q. So it came up in meetings with
6 personnel from the Visa office, meetings in
7 personnel with front office folks, and meetings
8 with others in leadership; is that correct --
9 oh and, gosh, I'm sorry, and meetings with
10 deputy assistant secretaries?

11 A. Yes, just leadership.

12 Q. Did it come up in any meetings
13 with anyone from -- well, withdrawn.

14 The meetings you just described, was
15 anybody from the Department of Homeland
16 Security in any of these meetings?

17 A. Not that I recall.

18 Q. In the meetings that you
19 described, starting with meetings with
20 personnel from the Visa office, who from the
21 Visa office was in a meeting with you where
22 this was discussed?

23 A. Actually, this may have also
24 been discussed in meetings with C staff, the
25 staff of the consular's office as well as

1 Mr. Olowski when he was working in the
2 consular's office.

3 Q. Sorry. Thank you for that
4 addition. Do you have anything to add?

5 A. No.

6 Q. Who from the Visa office was in
7 a meeting with you where this was discussed?

8 A. I don't recall exactly.

9 Q. Do you recall anyone from the
10 Visa office who was in a meeting with you where
11 this was discussed?

12 A. DAS Wilson.

13 Q. Anybody else?

14 A. Managing Director Norris,
15 Senior Advisor Smith may have been, Mr. Myers
16 who I mentioned previously who had been the
17 acting deputy -- acting principal deputy
18 assistant secretary.

19 Q. Who is retired?

20 A. Who is in the process of
21 retiring. The current Acting Principle Deputy
22 Assistant Secretary Matt Pierce, there may have
23 been others from the Visa office.

24 MS. CONLON: Just one moment. Sorry.

25 BY MS. CONLON:

1 Q. In any of the meeting you were
2 in was a decision made?

3 A. What do you mean by decision?

4 Q. Yeah, that's fair. In any of
5 the meetings you were in was a decision made
6 regarding the revocation of Visa -- of a Visa
7 from a student protester?

8 A. Is a conversation a meeting?

9 Q. For our purposes, yes.

10 MS. SANTORA: Can you ask the
11 question again?

12 BY MS. CONLON:

13 Q. I'll ask it maybe a different
14 or perhaps more straightforward question.

15 First, have you been a part of any
16 conversations about the revocation of Visas
17 from student protesters?

18 A. I have been a party to
19 conversations about the revocation of Visas
20 including the revocation non-immigrant Visas,
21 including the revocation of student Visas.

22 Q. Have the conversations that
23 you've been a part of about the revocation of
24 student Visas discussed student protesters?

25 MS. SANTORA: Objection to the extent

1 that you're discussing pre-decisional
2 conversations that's privilege under the
3 deliberative process privilege, and I would
4 direct you not to answer except with respect to
5 final decisions.

6 BY MS. CONLON:

7 Q. So to make it a little
8 easier -- I'm sorry. I know this is very
9 painful.

10 A. My head is going to explode.
11 I'm sorry.

12 Q. No, no, that's okay. Without
13 asking you what was discussed, have you been a
14 party to discussions about the revocation of a
15 student Visa from a student protester?

16 A. Conversation?

17 Q. Yes.

18 A. Yes.

19 Q. Okay. When? Well, let me say
20 this --

21 A. Sometime after taking on my
22 position on February 27th.

23 Q. Have you been in more than one
24 conversation about that?

25 A. I have participated in more

1 than one conversation about the revocation of
2 non-immigrant Visas which included student
3 Visas.

4 Q. And to be clear I'm only
5 interested in -- well, withdrawn, actually. I
6 don't want to overstate that.

7 MS. SANTORA: Do you need a break?

8 A. I'm good for now. We can do it
9 at 5:30.

10 MS. CONLON: Okay. Do you want to
11 take a break at 5:30 or from now until 5:30?

12 MS. SANTORA: Oh, no, at 5:30.

13 BY MS. CONLON:

14 Q. You said you participated in
15 more than one conversation about the revocation
16 of non-immigrant Visas including student Visas,
17 my question is only going to be directed to
18 student Visas.

19 Approximately, how many conversations
20 have you been a part of since taking your new
21 position regarding a decision to revoke a
22 student Visa?

23 A. Since taking my position,
24 current position on the 27th of February, I
25 have participated in a number of conversations

1 about the revocation of non-immigrant Visas
2 including the revocation of student Visas.

3 Q. How many were specifically
4 about student Visas?

5 A. And not about any other topic?

6 Q. No. How many touched on
7 student Visas? In other words, I'm not asking
8 about other kinds of non-immigrant Visas, I'm
9 only asking how many conversations you've been
10 in in your role?

11 A. What is --

12 Q. If you want clarification --

13 A. I'm confused.

14 Q. -- you should --

15 A. I'm confused. So a meeting
16 that any student Visas revocation was discussed
17 even if it was only 5 percent of the meeting
18 and the other 95 percent say, for example, were
19 other things, that wouldn't count?

20 Q. Well, I think start -- we're
21 going to start big and get small. So at the
22 outset, yes.

23 A. Okay. How many?

24 Q. Can you give me a ballpark?
25 I'm clearly --

1 A. Meaning several, several.

2 Q. Many, many.

3 A. Many might be going too far,
4 but a number of conversations.

5 Q. How many have you --
6 conversations have you been in in your new
7 position where a revocation of student Visas
8 was more than 50 percent of the focus of
9 conversation?

10 I'm estimating here to try to make it a
11 little bit easier so you understand what I
12 mean?

13 MS. SANTORA: Objection. Lack --
14 form.

15 A. A dozen. More than a dozen.

16 BY MS. CONLON:

17 Q. Have those conversations
18 exclusively been with other members of the
19 State Department?

20 A. Conversations. 20. Around 20.
21 No, they have not.

22 Q. Okay. What other departments
23 have you spoken to people in about the
24 revocation of the student Visas since taking
25 your role?

1 A. Department of Homeland
2 Security. The Homeland Security counsel.
3 Conversations?

4 Q. Yes.

5 A. Yes. So a conversation could
6 have taken place on the telephone, obviously.

7 Q. Yes.

8 A. If it was a conference call.

9 Q. Counts.

10 A. But does every agency who was
11 on the call count? Even if they weren't --
12 even if that wasn't their subject.

13 Q. Let me -- let me try to make
14 this easier. It's not a test. I'm not looking
15 for a list.

16 Who are the agencies you speak to most
17 often about the revocation of student Visas?

18 A. The Department of State.

19 Q. Second most often?

20 A. DHS.

21 Q. Okay. Do you ever speak with
22 anyone in -- well, ever is not going to help
23 you, is it. Withdrawn.

24 Do you have occasion to speak with
25 anyone in the Department of Education about the

1 revocation of student Visas?

2 A. I have not had such an
3 occasion.

4 Q. Do you have the occasion to
5 speak with anyone in the White House about the
6 revocation of student Visas?

7 A. I have had such occasion.

8 Q. Approximately, how many times?

9 MS. SANTORA: That's fine. Sorry.

10 A. Five, 10, 15 -- no, I have to
11 raise any number because it's -- and I
12 apologize because as I sit here I remember -- I
13 talk to dozens of people all throughout the
14 day.

15 BY MS. CONLON:

16 Q. I understand.

17 A. So the number of total
18 conversations was probably more. More than --
19 over 20. And I would say on at least a dozen
20 occasions I had spoken with someone in the
21 White House about the revocation of student
22 Visas and the revocation of the non-immigrant
23 Visas in general, student Visas being part of
24 that set.

25 Q. Who in the White House have you

1 spoken with about the revocation of student
2 Visas?

3 A. Steven Miller.

4 Q. Anybody else?

5 A. Yeah, his deputy Tony.

6 Q. His deputy Tony?

7 A. I don't know the deputy's name.

8 Adam, help me out guys.

9 MR. BEAUMONT: Lason.

10 A. Adam Lason. Thank you.

11 BY MS. CONLON:

12 Q. Approximately, how many times
13 have you spoken with Steve Miller about the
14 revocation of student Visas?

15 A. I would estimate over a dozen.

16 Q. Did most of those conversations
17 take place in March, the beginning of your new
18 role?

19 A. Yes.

20 Q. Have you had any conversations
21 with the President concerning the revocation of
22 student Visas?

23 A. No, I have never had a
24 conversation with the President at all ever.

25 Q. Me, either. Okay. At the

1 Department of Homeland Security, who have you
2 spoken with most often about the revocation of
3 student Visas?

4 A. Mr. Watson.

5 Q. Anybody else who you speak to
6 frequently there?

7 A. Adam Lason from time to time.
8 Again, about the revocation of non-immigrant
9 Visas in general, of student Visas being a
10 subset of that.

11 Q. When you -- in your
12 conversations with Steven Miller, did you
13 discuss the executive orders that we have been
14 looking at today?

15 MS. SANTORA: Objection. We're going
16 to invoke the presidential communications
17 privilege and I instruct the witness not to
18 answer.

19 BY MS. CONLON:

20 Q. In your conversations with
21 others at the White House, not Steven Miller,
22 did you discuss the executive orders that we
23 have discussed today?

24 MS. SANTORA: Objection. We are
25 going to invoke the presidential communications

1 privilege and instruct the witness not to
2 answer.

3 MS. CONLON: Just one second. Sorry.
4 Lots of conferring. Yes. Can we go off the
5 record for a moment?

6 THE VIDEOGRAPHER: Off the record,
7 17:25.

8 (A break was taken at 5:25 p.m.)

9 THE VIDEOGRAPHER: We are back on the
10 record 17:48.

11 MS. CONLON: Just a moment.

12 THE WITNESS: Thank you for your
13 break. It was very nice.

14 MS. CONLON: Yes, of course. We
15 needed it too.

16 BY MS. CONLON:

17 Q. Okay. So on this question of
18 conversation with folks in the White House, I
19 understand your counsel may have some
20 objections. I have a few questions left on
21 that before we move on.

22 Was anyone else in conversations that
23 you had with Steven Miller apart from the two
24 of you?

25 A. There were conference calls,

1 so, yes.

2 Q. Who else was on the conference
3 calls?

4 A. People from across the
5 interagency. From State Andrew Veprek, someone
6 from the WHA Bureau.

7 Q. Sorry. I missed the word you
8 said, people from across the --

9 A. Interagency.

10 Q. What is interagency in this
11 context?

12 A. The interagency is a collective
13 noun used to refer -- to refer to all
14 Government departments and agencies when
15 they're working on an issue.

16 Q. What are the Government
17 departments and agencies working on the issue
18 of the revocation of student Visas that were --
19 I'm sorry, that were part of the conversations
20 with Mr. Miller?

21 A. As I recall, DHS, State
22 Department, DOD. Those are the ones that I
23 recall with certainty and the White House. The
24 Homeland Security council.

25 Q. Do you know approximately how

1 many people were on the conference calls that
2 Mr. Miller was on with you?

3 A. I do not know with certainty.

4 Q. Do you know whether it was more
5 than five people?

6 A. Yes, it was more than five
7 people because more than five people spoke.

8 Q. Approximately, how many
9 different people spoke?

10 A. Five to ten.

11 Q. Do you know whether there were
12 more participants on the call who did not
13 speak?

14 A. I know that there were more
15 participants on these calls who did not speak.

16 Q. Do you know whether there were
17 more than 10 participants total on the call?

18 A. Yes.

19 Q. Do you know whether there were
20 more than 20 participants total in these calls
21 with Mr. Miller?

22 A. No.

23 Q. During these calls, were
24 specific students with student Visas ever
25 mentioned?

1 MS. SANTORA: Objection. I'm
2 instructing the witness not to answer pursuant
3 to the deliberative process privilege and also
4 the presidential communications privilege.

5 MS. CONLON: During these calls --
6 well, withdrawn. I would like to ask the
7 witness for the record about whether the five
8 non-citizens who are at issue in this case were
9 specifically mentioned.

10 I assume you will object and
11 invoke privilege if I do that?

12 MS. SANTORA: Yeah, there will be a
13 standing objection and the invocation of both
14 privileges --

15 THE COURT REPORTER: I'm sorry.
16 There will be a standing objection and what?

17 MS. SANTORA: Standing objection and
18 the invocation of the deliberative process
19 privilege and the Presidential communications
20 privileges and on those basis I'm instructing
21 the witness not to answer.

22 MS. CONLON: I understand.
23 Ms. Santora, if I ask any questions not about
24 particular students but about discussion of
25 guidance, policies, methods relating to the

1 handling of the revocations of student Visas,
2 will you also object?

3 MS. SANTORA: Yes, on those grounds
4 and invoke those privileges.

5 BY MS. CONLON:

6 Q. How often were these conference
7 calls with Mr. Miller?

8 MS. SANTORA: You can answer that.

9 A. The ones that dealt with the
10 topic that you're interested in?

11 BY MS. CONLON:

12 Q. Yes.

13 A. At one point at least weekly.

14 Q. Have they -- has the weekly
15 calls stopped?

16 A. Dealing with the topic you're
17 interested in?

18 Q. Yes.

19 A. Yes, and that topic was not
20 discussed.

21 Q. When did the weekly call on
22 this topic stop?

23 A. I don't know.

24 Q. Approximately, how long were
25 these calls?

1 A. The total call is -- I don't
2 know up to an hour, less, sometimes 15 minutes.

3 Q. Depends on the call?

4 A. It depends.

5 Q. Well, I'd like to turn now to a
6 discussion about a particular student. Are you
7 familiar with Rumeysa Ozturk?

8 A. I have heard the name.

9 Q. Have you had any personal
10 involvement in Ms. Ozturk's case?

11 MS. SANTORA: Objection. Form.

12 A. I did not know Ms. Ozturk,
13 personally.

14 BY MS. CONLON:

15 Q. No, no, have you through your
16 work had any involvement with Ms. Ozturk's
17 case?

18 A. It's my recollection, that I
19 did.

20 Q. What did you recall about your
21 involvement in Ms. Ozturk's case?

22 A. I remember that there was a
23 decision on whether to revoke her Visa.

24 Q. Did you make that decision?

25 A. It is my recollection that I

1 did, but if you have a particular document I'd
2 like to review it.

3 Q. Let's take a look at the
4 administrative record exhibit.

5 A. Exhibit 3?

6 Q. Yes. If you can turn to page
7 34 in those tiny numbers at the bottom. Let me
8 know when you've had a chance to review the
9 document?

10 A. I have completed reading this
11 document.

12 Q. Did you write this document?

13 A. No.

14 Q. Do you know who wrote it?

15 A. Someone who worked in the
16 Bureau of Consular Affairs.

17 Q. Did you sign this document?

18 A. I don't believe so because I
19 see no signature on it.

20 Q. I don't know if we're looking
21 at the same document then.

22 MS. SANTORA: The second page.

23 A. Yes, sorry. I missed page 2.

24 BY MS. CONLON:

25 Q. No, no it's okay. Okay. So

1 this document begins --

2 A. Yes, I did sign this document.

3 Q. This document begins on March
4 21, 2025 in response to a request from DHS ICE
5 and -- well, I'm going to pause right there.

6 What do you recall about the request
7 from DHS ICE concerning Ms. Ozturk?

8 MS. SANTORA: Objection. Instruct
9 the witness not to answer based on the law
10 enforcement privilege.

11 BY MS. CONLON:

12 Q. Do you -- without telling me
13 what you recall do you recall receiving a
14 request from DHS ICE regarding Ms. Ozturk?

15 A. No.

16 Q. Would seeing a copy of the
17 request from DHS ICE refresh your recollection?

18 A. It might.

19 Q. Unfortunately, I do not have
20 that document to give you.

21 A. It will not refresh my
22 recollection.

23 Q. Okay. Do you recall the basis
24 for DHS's ICE's assessment as described here
25 that Ms. Ozturk has been involved in

1 associations that, [As read] "May undermine
2 U.S. foreign policy by creating a hostile
3 environment for Jewish students and indicating
4 support for a designated terrorist
5 organization."

6 MS. SANTORA: Objection. And I
7 instruct the witness not to answer based on the
8 law enforcement privilege.

9 BY MS. CONLON:

10 Q. Well, the question is do you
11 recall the basis? I'm not asking what it is.
12 So do you recall the basis?

13 A. Am I compelled to answer?

14 MS. SANTORA: You can answer as to
15 whether you recall.

16 A. I do not recall the basis.

17 BY MS. CONLON:

18 Q. Where it states here, [As read]
19 "That Ms. Ozturk has been involved in
20 associations that may undermine U.S. foreign
21 policy by creating a hostile environment for
22 Jewish students," can you please explain the
23 connection between the environment for Jewish
24 students and U.S. foreign policy?

25 MS. SANTORA: Objection. Form. Lack

1 of foundation. Calls for speculation.

2 MS. CONLON: You can answer.

3 A. This is speculation because I
4 don't have all the documents in front me
5 including whatever may have possibly come in
6 from ICE which I would love to see.

7 BY MS. CONLON:

8 Q. Me too. Do you know what it's
9 quoting from here, this quotation that appears
10 in this memo?

11 A. I do not know what it is
12 quoting from. It appears -- no, I do not know.

13 Q. Have you seen the language
14 anywhere before that's quoted here, [As read]
15 "Undermine U.S. foreign policy by creating a
16 hostile environment for Jewish students and
17 indicating a support for designated terrorist
18 organization anywhere?

19 A. The language seems familiar.
20 It must be I saw it when I signed this on the
21 21st of March.

22 Q. Just one sec. Have you
23 received -- well, sorry.

24 Does the State Department have a
25 position on how creating a hostile environment

1 for Jewish students on campuses undermines U.S.
2 foreign policy?

3 MS. SANTORA: Objection. Lack of
4 foundation. Calls for speculation.

5 A. Secretary Rubio was quite
6 forcefully coming out against anti-Semitism in
7 general.

8 BY MS. CONLON:

9 Q. This may sound like a silly
10 question, but are Secretary Rubio's positions
11 U.S. foreign policy for the purposes of State
12 Department decision making?

13 A. I don't understand the
14 question.

15 Q. Well, I asked you about -- let
16 me just see how I said it. One second.

17 You said Secretary Rubio has forcefully
18 come out against anti-Semitism in general,
19 right?

20 A. That is what I said according
21 to the record.

22 Q. And you would agree with me
23 Secretary Rubio has made many public statements
24 about anti-Semitism since becoming secretary?

25 A. Yes, and he's against it.

1 Q. Yes. Understood. And my
2 question --

3 A. As am I, personally.

4 Q. And my question to you was:
5 What is the connection between U.S. foreign
6 policy and anti-Semitism on college campuses
7 that seems to be eluded to here in this
8 document?

9 MS. SANTORA: Objection. Calls for
10 speculation. Lack of foundation.

11 A. I'm speculating it's -- if you
12 oppose it everywhere you oppose it on U.S.
13 campuses too because they're a part of
14 everywhere. And it -- in this case you have a
15 foreign policy element because you have this
16 foreign alien who in this statement is
17 described as carrying out such acts.

18 So you have a foreign access right there,
19 and Secretary Rubio does foreign policy.

20 BY MS. CONLON:

21 Q. Well, I think that last part is
22 the thing I'm trying to ask you. Like in this
23 memo that you've signed --

24 A. Yes, I did sign it.

25 Q. It says that, [As read] "Ms.

1 Ozturk was involved in associations that may
2 undermine U.S. foreign policy by creating a
3 hostile environment for Jewish students and
4 indicating support for designated terrorist
5 organization."

6 Focusing on the first part, "a hostile
7 environment for Jewish students," my question
8 is really, what is the connection between that
9 environment and U.S. foreign policy; that's
10 what I'm trying to ask?

11 MS. SANTORA: Same objection.

12 A. Visa policy is a core foreign
13 policy function. Ms. Ozturk is a foreign
14 alien. Ms. Ozturk refused -- received a Visa.
15 She received a Visa to study, supporting
16 designated terrorist organizations and carrying
17 out anti-Semitic acts are behavior contrary to
18 the purposes of an F1 Visa.

19 BY MS. CONLON:

20 Q. And U.S foreign policy --

21 A. F1 Visa is a student Visa.

22 Q. The U.S. foreign policy in this
23 case is United States' ICE policy of combatting
24 anti-Semitism?

25 A. That's a possible

1 interpretation. I would think -- also point
2 out the support for designated terrorist
3 organization.

4 Q. I mean, to be clear, I know
5 that -- withdrawn.

6 I'm not asking you to speculate, I'm
7 asking what you meant for this to mean when you
8 signed the document because that's the language
9 that's in it.

10 So where it says U.S. foreign policy
11 what did you understand that to mean?

12 MS. SANTORA: Objection. Lack
13 foundation. Calls for speculation.

14 A. I don't exactly remember. This
15 was almost three months ago.

16 BY MS. CONLON:

17 Q. What anti-Semitic acts did Ms.
18 Ozturk perform?

19 A. I don't remember.

20 Q. How did Ms. Ozturk demonstrate
21 support for a designated foreign terrorist
22 organization?

23 MS. SANTORA: Objection. I'm
24 instructing the witness not to answer based on
25 law enforcement privilege.

1 MS. CONLON: Did you say the
2 objection is based on law enforcement
3 privilege?

4 MS. SANTORA: Yeah, I'm sorry. Can
5 you repeat the question?

6 BY MS. CONLON:

7 Q. The question was how did Ms.
8 Ozturk demonstrate support for a designated
9 foreign terrorist organization?

10 MS. SANTORA: Yes, I will object to
11 the extent your answer will reveal privileged
12 information.

13 If there's non-privileged information
14 that answers the question, you can answer.

15 A. I do not remember. I do not
16 recall.

17 BY MS. CONLON:

18 Q. In the next part of the
19 sentence that we've been looking at in the
20 memo, it says that [As read] "Ms. Ozturk
21 coauthored an Op ed that found common cause
22 with an organization that was later temporarily
23 banned from campus." Did you review the Op ed
24 reference there?

25 A. Did I review the reference or

1 the Op ed?

2 Q. Did you review the underlying
3 Op ed?

4 A. I do not recall.

5 Q. Have you ever seen it before?

6 A. I do not know.

7 Q. If I were to show you a copy of
8 it, would that refresh your recollection about
9 whether you had seen it before?

10 A. It might.

11 MS. SANTORA: I think I'm going to
12 object to this line of questioning. It's
13 outside the scope.

14 This appears to be litigating her
15 individual habeas case in this form which the
16 Judge has said is off limits here.

17 MS. CONLON: Okay. Your objection is
18 noted. It sounds like it's as to relevance.
19 We disagree so I'm going to pass the document
20 to each of you.

21 THE WITNESS: Counsel, am I to review
22 the document or not?

23 MS. SANTORA: He asked me can he
24 review the document?

25 MS. CONLON: Oh, yes, I would like

1 for you to review the document.

2 BY MS. CONLON:

3 Q. Once you had a chance to read
4 it, can you let me know?

5 A. I have skimmed through the
6 document.

7 Q. Okay. I have just one
8 question. The memo in front of us says that
9 Ms. Ozturk coauthored an Op ed.

10 Is the document I handed you marked as
11 Exhibit 5 -- the Op ed referenced in this memo?

12 A. I do not know. I do not
13 recall.

14 Q. Are you aware of any other Op
15 ed written by Ms. Ozturk?

16 A. No, but that doesn't mean they
17 don't exist.

18 Q. Sticking with the memo for a
19 moment, it says toward the bottom of that
20 paragraph, [As read] "Due to ongoing ICE
21 operational security, this revocation will be
22 silent."

23 Did you decide that the revocation
24 would be silent?

25 THE WITNESS: (Inaudible response.)

1 MS. CONLON: Can we go off the
2 record, if you're not sure.

3 THE VIDEOGRAPHER: Off the record
4 18:13.

5 (A break was taken at 6:13 p.m.)

6 THE VIDEOGRAPHER: Back on the
7 record, 18:15.

8 BY MS. CONLON:

9 Q. So the question was, did you
10 decide that the revocation of Ms. Ozturk's Visa
11 would be silent?

12 A. I do not recall.

13 Q. If you -- withdrawn. It says
14 here, [As read] "The Department of State will
15 not notify the subject of the revocation."
16 That's what a silent revocation means?

17 A. Yes.

18 Q. What are the circumstances
19 under which you approve silent revocations?

20 MS. SANTORA: Objection. Foundation.

21 A. Is there some reason not to
22 inform the Visa holder of the revocation?

23 BY MS. CONLON:

24 Q. What reasons have you granted
25 a -- granted is the wrong word, I guess --

1 withdrawn.

2 A. I wasn't necessarily the one
3 who made the decision.

4 Q. What are the circumstances
5 under which you have seen the State Department
6 grant silent revocations?

7 A. Cases where there was a reason
8 not to inform the Visa holder.

9 Q. Can you give me an example of
10 reasons of not to inform the Visa holder?

11 A. For example, if there would be
12 action to detain the Visa holder that we would
13 know about or the possibility of that.

14 Q. What do you mean by action to
15 obtain the Visa holder?

16 A. Well, action to -- I'm not a
17 lawyer. Arrest, stop, pick up.

18 Q. In the ordinary course in your
19 experience does the State Department notify
20 Visa holder's of the revocation of their Visas?

21 A. Not in every case.

22 Q. In most cases does the State
23 Department notify Visa holder's of the
24 revocation of their Visas?

25 MS. SANTORA: Objection. Form.

1 A. Based on my experience, which
2 may be limited since I've only been in my
3 current position since the 27th of February,
4 usually the State Department informs the Visa
5 holder of the revocation, but not in all cases.
6 BY MS. CONLON:

7 Q. Sure. In your experience what
8 are the special circumstances under which the
9 State Department does not inform the Visa
10 holder of their revocation?

11 A. Situations in which there would
12 be a reason not to inform them. For example,
13 plans by law enforcement or immigration
14 enforcement is part of law enforcement.

15 Q. Does the State Department --
16 withdrawn. What does the phrase ongoing ICE
17 operational security mean here?

18 A. I think it's clear, it's on the
19 paper.

20 Q. You're going to have to help
21 me. What does -- what operational security was
22 imperilled by the notification of Ms. Ozturk's
23 Visa revocation?

24 MS. SANTORA: Objection. Form.

25 A. Some operation that ICE was

1 undertaking that it would undermine if the Visa
2 holder knew of it.

3 BY MS. CONLON:

4 Q. When ICE -- withdrawn. I want
5 to talk about the process for one second. You
6 received documentation from DHS or ICE
7 concerning Ms. Ozturk before issuing this memo,
8 correct?

9 A. That is my recollection. I'd
10 be happy to see it and refresh my memory, if
11 you could show it to me.

12 Q. Just add it to the list of
13 things that I wish we both could see or had.

14 Now when ICE sends over a referral to
15 the State Department, that referral contains a
16 report of analysis and an accompanying letter;
17 is that correct?

18 MS. SANTORA: Objection. Lack of
19 foundation.

20 A. It's my recollection that the
21 request referrals come in various forms.

22 BY MS. CONLON:

23 Q. In your experience, do you
24 receive something called an his subject profile
25 and accompanying letter from DHS when you

1 receive referrals from them?

2 A. If I could see an example of
3 such document, I could refresh my memory.

4 Q. So right now you don't recall?

5 A. I don't recall.

6 Q. When you received a referral
7 from ICE in the case of Ms. Ozturk, does ICE
8 make a recommendation to you as to whether the
9 revocation should be silent?

10 MS. SANTORA: Objection. Instructing
11 the witness not to answer based on the law
12 enforcement privilege.

13 BY MS. CONLON:

14 Q. Well, here in this memo that
15 you signed it says, [As read] "Due to ongoing
16 ICE operational security the revocation will be
17 silent."

18 What does the State Department know
19 about ICE's operational security other than
20 what is shared in the referral?

21 MS. SANTORA: Objection.
22 Speculation. Calls for speculation.

23 BY MS. CONLON:

24 Q. You can answer that because
25 it's only a speculation objection.

1 A. I'm sorry. Could you repeat
2 the question?

3 Q. No, it's okay. I guess I'm
4 trying to ask you here for Ms. Ozturk, you
5 don't recall the specific reason that you
6 approved a silent revocation; is that correct?

7 MS. SANTORA: Objection. Misstates
8 prior testimony.

9 BY MS. CONLON:

10 Q. Do you recall the reason
11 specifically that you approved a silent
12 revocation for Ms. Ozturk?

13 A. It says so right here, due to
14 ongoing ICE operational security.

15 Q. What ongoing ICE operational
16 security?

17 A. And operation that ICE at the
18 time was undertaking that required that the
19 information not be revealed, that will it be
20 kept silent.

21 Q. That operation was arresting
22 her?

23 A. I do not know. I'm not in law
24 enforcement. We do not deport people.

25 Q. When the State Department

1 chooses not to inform a Visa holder of a
2 revocation, is that on the basis of a
3 representation from ICE about how the
4 revocation would affect ICE's operational
5 security?

6 A. And I can't comment in general
7 because it would depend on the circumstances of
8 the case. In this case it's spelled out
9 clearly due to on -- in the document which you
10 presented and is right here dated March 21st,
11 2025, due to ongoing ICE operational security
12 this revocation will be silent.

13 Q. Did you agree with this
14 decision?

15 A. I signed the document.

16 Q. I see that you signed it. Did
17 you think this was the correct decision to
18 make?

19 MS. SANTORA: Objection. Calls for
20 speculation.

21 A. Speculating what I may have
22 thought in one of many cases almost three
23 months ago?

24 BY MS. CONLON:

25 Q. Well, sitting here now, do you

1 think it was the right decision?

2 MS. SANTORA: Objection. Calls for
3 speculation.

4 MS. CONLON: Respectfully, I'm asking
5 him for his own opinion on his own decision, so
6 it's not speculation but even if it was, he can
7 still answer.

8 MS. SANTORA: I believe he did
9 testify there were other documents before him
10 at the time he made the decision, so asking him
11 to answer that he agreed with the decision as
12 he said three months ago about those documents
13 before him he would be speculating.

14 A. I would request the documents
15 including the one that Mr. Watson sent or it's
16 asserted that he sent.

17 BY MS. CONLON:

18 Q. Just line up. Me too. Okay.
19 Are there ever instances that you sign a memo
20 approving a Visa revocation where you
21 personally disagree with the revocation
22 decision?

23 A. That's a hypothetical. I
24 mean --

25 Q. Has that ever happened?

1 A. Not that I recall. I have no
2 recollection of such a case.

3 Q. I understand that the State
4 Department has produced other memos about Ms.
5 Ozturk. Have you seen any memo other than this
6 one about Ms. Ozturk?

7 A. I do not recall. If you would
8 have that document, I'd be happy to review it.

9 Q. It's like torture hearing you
10 say that because I wish that I had it for both
11 of us.

12 There was a report in the Washington
13 Post that does not contain the memo that
14 describes it. I'm going to tell you what it
15 says and see if that refreshes your
16 recollection.

17 It was, according to the Washington
18 Post, a March 2025 State Department memorandum
19 finding that, [As read] "Neither DHS nor ICE
20 nor Homeland Security investigations had
21 produced any evidence showing that Ms. Ozturk
22 engaged in anti-Semitic activity or made public
23 statements indicating support for a terrorist
24 organization."

25 Have you seen a memo to that effect?

1 MS. SANTORA: Objection. Lack of
2 foundation. Calls for speculation. Can you
3 show him the document you're reading from?

4 MS. CONLON: Sure. I can -- this is
5 a Washington Post article, it's not the
6 underlying memo, but I will happily pass it
7 around.

8 MS. SANTORA: While he's reviewing
9 this, I also want to raise the standing
10 objection that questions about this document
11 would be irrelevant and outside the scope of
12 these depositions.

13 MS. CONLON: Obviously we disagree.
14 I don't want to waste time quarrelling about
15 it.

16 BY MS. CONLON:

17 Q. So you know what I'm going to
18 ask you about with respect to this article, I'm
19 going to ask you about the top half of the
20 second page. And when you've gotten through
21 the top half to the second page, please, let me
22 know.

23 A. I'd prefer to review the whole
24 document.

25 Q. You can. I'm only going to ask

1 you about one paragraph on that page.

2 A. I have finished reviewing this
3 article from the Washington Post.

4 Q. So you asked to see the
5 document that I was reading from or referring
6 to. As you can see here on page 2 of Exhibit 6
7 I think it is, this Washington Post article,
8 the article states [As read] "That after
9 receiving the recommendation from DHS
10 concerning Ms. Ozturk the State Department
11 found that while Ozturk had protested past
12 relationship with Israel neither DHS nor ICE
13 nor Homeland Security investigations produced
14 any evidence showing that Ozturk had engaged in
15 anti-Semitic activity or made public statements
16 indicating support for a terrorist organization
17 according to U.S. Government employee --
18 according to U.S. Government employees, plural,
19 briefed on the State Department's memo."

20 Are you aware of the memo that is
21 referenced in that paragraph?

22 MS. SANTORA: Objection. I'm sorry.
23 Let me just say, objection lack of foundation.

24 A. According to a U.S. Government
25 employee brief on the memo. So someone who

1 hadn't even seen the memo because they were
2 briefed on it. I do not recall such a
3 document. Please, produce it so I can refresh
4 my memory. I'd be happy to read it through.

5 MS. CONLON: I hope you're not under
6 the impression that we have it and we have not
7 given it to you. We have not received it from
8 anyone, to be clear, for the record. Now is it
9 the --

10 A. I'm sorry. I feel like I'm in
11 an unfair position to be asked to comment on a
12 document that I can't even see. If it exists.

13 BY MS. CONLON:

14 Q. I'm not asking you to comment
15 on it --

16 A. If it exists.

17 Q. -- I'm just asking you if you
18 happen to know if it exists --

19 A. I do not.

20 Q. And if you don't you can say
21 so.

22 A. I do not know if a document
23 exists. This is complete hearsay.

24 Q. Is it the State Department's
25 practice to write the memo in response to a

1 recommendation from Homeland Security setting
2 Ms. Ozturk aside completely?

3 A. Here's the response right here.
4 Apparently and please show me the incoming from
5 Mr. Watson but this is the response or the
6 document to Mr. Watson that refers to a request
7 from DHS ICE.

8 Q. You are not aware of any other
9 memos produced by the Department of State
10 concerning Ms. Ozturk, correct?

11 A. I am not. I recall no such
12 memos.

13 Q. Do you recall whether the
14 referral from DHS in this case recommended
15 removing Ms. Ozturk under a 3C provision?

16 MS. SANTORA: Objection. I instruct
17 the witness not to answer based on the law
18 enforcement privilege.

19 BY MS. CONLON:

20 Q. In your time in the role that
21 you're in now since February, have you received
22 referrals recommending removal of a student
23 under that 3C provision?

24 MS. SANTORA: Objection. I instruct
25 the witness not to answer based on the law

1 enforcement privilege.

2 MS. CONLON: You're going to object
3 to any questions we ask about the process by
4 which student Visas are revoked in terms of the
5 authority that they're based on? The
6 question -- just to be clear, the question is:
7 Have you received referrals recommending
8 removal of a student under the 3 -- under a 3C
9 provision?

10 MS. SANTORA: Yeah, let us --

11 MS. CONLON: Do you want to take a
12 minute?

13 (Discussion between counsel.)

14 MS. SANTORA: So to the extent that
15 you're talking about the substance of referrals
16 that would be law enforcement privileged. Can
17 you repeat your question?

18 BY MS. CONLON:

19 Q. Yes. Have you received any
20 referrals recommending removal of a student
21 under a 3C provision?

22 MS. SANTORA: Okay. So the objection
23 is that the substance of referrals is law
24 enforcement privileged. To the extent you can
25 answer the question, otherwise, which you asked

1 about removals, correct?

2 MS. CONLON: Yes.

3 MS. SANTORA: Okay. If you could
4 repeat the question one more time.

5 MS. CONLON: I can't see how he can
6 answer it given the objection, but I will ask
7 it.

8 Have you received any referrals
9 recommending removal of a student under a 3C
10 provision.

11 MS. SANTORA: Also objection to form.
12 Lack of foundation.

13 A. We can't remove anyone. We can
14 only revoke Visas. We have no one -- that's
15 not one of our authorities to remove. So,
16 therefore, I would answer, no, because we --
17 you couldn't put a question to us to remove
18 someone.

19 BY MS. CONLON:

20 Q. Have you received any referrals
21 recommending the revocation of a Visa of a
22 student under a 3C provision?

23 MS. SANTORA: Objection. The content
24 of referrals is law enforcement privileged. I
25 instruct the witness not to answer.

1 BY MS. CONLON:

2 Q. Here in this memo it states
3 that Ms. Ozturk's Visa's being revoked pursuant
4 to 1201 I, correct?

5 A. No, that is incorrect. It's
6 221(i). Not 1201 -- oh, sorry 221(i) in INA.
7 Yes, in the U.S.C. I apologize. I was looking
8 at the INA.

9 Q. No, that's fine. Does the fact
10 that this memo says she is going to have her
11 Visa revoked pursuant to 1201 I mean that the
12 referral you received only referenced 1201 I?

13 MS. SANTORA: Objection. Lack of
14 foundation. Calls for speculation, and to the
15 extent it references the substance of referrals
16 law enforcement privileged.

17 A. I can't answer due to law
18 enforcement privilege, and I don't remember
19 what was in the referral.

20 BY MS. CONLON:

21 Q. Okay.

22 A. If you could produce the
23 referral.

24 Q. Just for the making sure that
25 you're clear since I'm questioning you and

1 you're responding to me. I do not have the
2 referral. I do not have any memos outside of
3 this administrative record that is in front of
4 you and the if I had them, I would give them to
5 you because this isn't any sort of
6 gamesmanship. I generally do not have the
7 documents. I had requested them many times at
8 this point.

9 In this memo it notes that Ms. Ozturk
10 coauthored an Op ed that found common cause
11 with an organization that was later temporarily
12 banned from campus.

13 What is the relevance of the fact that
14 a student group was banned from campus to the
15 determination to revoke Ms. Ozturk's Visa?

16 MS. SANTORA: Objection. Calls for
17 speculation.

18 A. It's hard to say. I mean, the
19 implication would be that it was involved in
20 some sort of perhaps illegal activity that led
21 to it being banned or some other activity that
22 was if not illegal, unacceptable under whatever
23 rules at the university but that's just
24 speculation.

25 Nonetheless, I conclude based on looking

1 at the document that temporarily banned meant
2 that the organization was not one in good
3 standing.

4 BY MS. CONLON:

5 Q. You don't recall which
6 organization it was, do you?

7 A. I do not.

8 Q. And you don't know the reason
9 that it was apparently temporarily banned?

10 A. I do not recall.

11 Q. Are there particular student
12 groups that you have become familiar with
13 through your work on student Visas in the past
14 couple of months?

15 MS. SANTORA: Objection. Form.

16 A. None that I recall.

17 BY MS. CONLON:

18 Q. Have you ever heard of Students
19 for Justice in Palestine?

20 A. I do not know.

21 Q. Have you heard of Jewish Voice
22 for Peace?

23 A. I do not recall hearing of
24 Jewish Voice for Peace in the past.

25 Q. As in before this moment?

1 A. Yes.

2 Q. Have you heard faculty and
3 staff for Justice in Palestine?

4 A. I do not recall having heard of
5 faculty and staff for Justice in Palestine.

6 Q. Are you familiar with Columbia
7 University Apartheid Divest?

8 A. I am not familiar with Columbia
9 University Apartheid Divest. I thought
10 apartheid was gone.

11 Q. Since Ms. Ozturk was arrested,
12 have you had further involvement in her case?

13 A. When was she arrested?

14 Q. March 25, 2025.

15 A. To my recollection, I have had
16 no involvement in Ms. Ozturk's case since she
17 was arrested in March 25th, 2025.

18 Q. Prior to your approval of this
19 memo, have you ever approved a Visa revocation
20 on the basis of a person's anti-Semitic
21 conduct?

22 A. I do not know.

23 Q. Have you approved other Visa
24 revocations on the basis in whole or in part
25 that a person engaged in anti-Semitic conduct?

1 A. I am not certain.

2 Q. You would need to see the
3 documents to recall?

4 A. Yes, that would help me. I
5 sign many memos.

6 Q. Is there a person in the Visa
7 office who is junior to you which I appreciate
8 is everyone but who is specifically in charge
9 of reviewing these recommendations before they
10 come to you to sign?

11 A. DAS Wilson.

12 Q. Anyone else?

13 A. And managing director Norris
14 and also outside the Visa office whose ever
15 serving as the principle deputy assistant
16 secretary.

17 Q. Sticking within the Visa office
18 for a moment, who is the person who receives
19 the referral from DHS, reviews it, makes the
20 determination about whether or not revocation
21 is warranted before it gets to you?

22 MS. SANTORA: Objection. Calls for
23 speculation.

24 A. I know that DAS Wilson has
25 received recommendations, information from DHS

1 as regarding possible revocations as has
2 managing director Norris. There may be other
3 people but those are the two that I can speak
4 with authority on.

5 There is a group within the Visa office
6 and I don't remember the name of it that deals
7 in particular with revocations. Not just
8 students, but all types of revocations for
9 non-immigrant Visas.

10 BY MS. CONLON:

11 Q. Just a second. Is there anyone
12 in the Visa office who is principally in charge
13 of Visa revocations of student Visas relating
14 to anti-Semitism, pro Hamas support or anything
15 of that nature?

16 A. It's my understanding the
17 people who deal with revocations in general
18 also deal with those issues. And, of course,
19 managing director Norris being responsible for
20 everything that happens at the Visa office as
21 DAS Wilson being the next level up is also
22 responsible for everything that happens in the
23 Visa office.

24 Q. To be transparent, I'm trying
25 to find out who is the person who is seeing

1 these reports and vetting them and going
2 through them, and it sounds like when this go
3 to you it's in the form already of a distilled
4 memo; is that correct?

5 A. That's correct.

6 Q. In other words, you are not in
7 a position to be familiar with the underlying
8 documents that lead to the creation of this
9 memo; is that right?

10 A. I may have asked for them, I
11 may have not, I do not recall. I could ask for
12 them, if I thought it was necessary. Maybe I
13 would ask the person whoever the author was to
14 discuss it with me if I had a question.

15 Q. The author of this memo you
16 mean?

17 A. Yes, sorry. Just like your
18 boss would ask you a question on some brief or
19 something.

20 Q. Yes. Have you had occasion to
21 confer with anyone in the Office of
22 Intelligence over at Homeland Security
23 concerning student Visa revocations?

24 A. Not that I recall.

25 Q. Do you know whether Ms. Norris

1 or Mr. Wilson have coordinated with anyone in
2 the Office of Intelligence at DHS on student
3 revocations?

4 A. I do not know.

5 MS. SANTORA: Can we -- before we ask
6 another question can we take a break whenever
7 natural.

8 MS. CONLON: I have like two more
9 questions on Ms. Ozturk and then I'm done so
10 maybe let's just finish, okay.

11 MS. SANTORA: Sure.

12 MS. CONLON: Is that okay with
13 everybody else?

14 THE WITNESS: We should finish the
15 Ozturk matter in my opinion but I will turn to
16 counsel they know better than I.

17 MS. SANTORA: Yeah, we'll finish
18 Ozturk and then we'll take a break.

19 BY MS. CONLON:

20 Q. Are you aware of the
21 circumstances of Ms. Ozturk's arrest?

22 A. I know she was arrested. You
23 told me it was on the 25th of March. Tufts is
24 in New York I believe so it was probably
25 winter, that's about all I know.

1 Q. Did anybody discuss with you
2 the plans for her arrest before it was
3 executed?

4 A. No. Definitely not.

5 Q. Did anyone -- has anyone
6 discussed it -- did anyone discuss her arrest
7 with you afterwards?

8 A. Not that I recall. Again, the
9 State Department does not deal with
10 enforcement, that is law enforcement and DHS.
11 We do not arrest people, we do not deport
12 people, that is not part of our duties or
13 prerogative.

14 MS. CONLON: I think it's a good
15 place for a break, and we're ready to leave
16 this topic.

17 MS. SANTORA: Okay.

18 THE VIDEOGRAPHER: Off the record
19 16 -- I'm sorry 18:46.

20 (A break was taken at 6:46 p.m.)

21 (Proceedings resumed at 7:16 p.m.)

22 THE VIDEOGRAPHER: We're back on the
23 record 19:16.

24 BY MS. CONLON:

25 Q. Okay. So I know I said we

1 believe Ms. Ozturk and we are almost going to
2 leave her but just another question on that.

3 What is the standard or threshold that
4 has to be met for a revocation under the
5 provision that was relied on in Ms. Ozturk's
6 revocation which is 1201 I?

7 MS. SANTORA: Objection. Lack of
8 foundation.

9 A. Well, it depends on the
10 situation of course and there's many variables
11 depending on different situations and different
12 cases it'd really have to be taken into
13 consideration.

14 I would refer back to the 1201 I as you
15 call it or the 221(i) INA that refer back to
16 the original declaration that I made at
17 paragraph 8, Exhibit 1 where it quotes saying,
18 [As read] "After the issuance of Visa or other
19 documentation to any alien consular officer --

20 THE COURT REPORTER: I'm sorry.
21 After the issuance --

22 A. "Issuance of a Visa or other
23 documentation to any alien a council/consular
24 officer of the Secretary of State may at any
25 time at his discretion revoke such Visa or

1 other documentation."

2 It's at the discretion of the people
3 mentioned so it's going to depend on the
4 situation, and the -- I couldn't really hazard
5 a guess in a vacuum, you know, hypothetical.

6 BY MS. CONLON:

7 Q. What is the threshold that you
8 use when deciding whether to send to the
9 secretary for his determination a proposed
10 revocation under this provision?

11 A. Since the consular office is
12 empowered to do it, I don't recall a case which
13 we've sent to the secretary for 22 -- for
14 221(i) since the counselor officer has it in
15 his power which counselor officers involved are
16 working in council affairs obviously at a
17 certain level.

18 So I will not generally see a need under
19 221(i) to send to the secretary. Of course the
20 secretary could ask us to send it to him, any
21 secretary could, this is a very general long
22 established procedure, but most cases under
23 this stipulation, it's handled at a level lower
24 than the secretary that involves the consular
25 officer.

1 Q. Did Ms. Ozturk's case get
2 resolved under your determination not the
3 secretaries; is that correct?

4 A. I do not recall. I would need
5 to see the documentation, if they're making the
6 decision.

7 Q. What documentation reflects who
8 makes the decision?

9 A. If there was an action memo on
10 this, for example.

11 Q. Sorry. Go ahead.

12 A. Or it could be in the
13 revocation system. There's a system --
14 computer system for revocations.

15 Q. There's a computer system for
16 revocations used by the Department of State?

17 A. Under 221(i), yes.

18 Q. Is an action memo generated for
19 every revocation under 221(i) as best you know?

20 A. As best I know and I'm not
21 involved on a daily basis with revocations
22 because most of them don't require my
23 involvement considering I'm the top of the
24 pyramid in the Bureau of Consular Affairs. I
25 cannot say what is done on an every day basis.

1 Q. In the revocations that you
2 have personally been involved in under 221(i),
3 have there been action memos generated?

4 A. In general, yes, but not in
5 every case. Some might have been my
6 consultation or my advice has been sought and
7 I've provided it, and then it was taken care of
8 at a different level within the Bureau of
9 Consular Affairs.

10 Q. Is there any guidance or
11 instruction about the factors that Bureau of
12 Consular Affairs should consider before sending
13 a referral under 1201(i)/221(i) to a consular
14 officer or the secretary?

15 A. I would again look to what it
16 says in this declaration that I made that it's
17 at the discretion so that would -- I would look
18 to that.

19 Q. Well, it's precisely because
20 it's indiscretion that I ask this question
21 whether there's any guiding principle or
22 standard or threshold that's used to decide
23 whether to take the action?

24 A. On such things as with many
25 procedures the guidance is found in the FAM.

1 Q. In the FAM. Is there a
2 particular section of the FAM that provides
3 guidance for when to take action under 1201 I?

4 A. I do not know if there exists a
5 particular section of the FAM on that topic. I
6 have not memorized the contents of the FAM.

7 Q. Nor have I. This memo on Ms.
8 Ozturk states as the basis for the revocation
9 that she had been involved in associations that
10 may undermine U.S. foreign policy among other
11 things, but the revocation is under the
12 discretionary power in 221(i), 1201(i). Why is
13 that?

14 MS. SANTORA: Objection. Form.
15 Calls for speculation.

16 A. I don't know. I do not recall
17 and I couldn't speak of them in any case of any
18 deliberations that took place.

19 BY MS. CONLON:

20 Q. How do you decide whether the
21 revocation that could be made under either 1201
22 I/221(i) or a 3C provision gets made under 1201
23 I or the 3C provision?

24 I can see how that was confusing, I'll
25 withdraw it.

1 My question is: There were certain
2 revocations for which the factual basis it
3 would seem could call for revocation under a 3C
4 provision or 1201 A which is just
5 discretionary. How does the Department of
6 State beside which provision to rely on in that
7 circumstance?

8 A. Actually, I appreciate the
9 question, it's a very good one, and it gets to
10 the heart of much of our work which requires
11 judgment which is why the selection and
12 training of the foreign service and the civil
13 service who works on such as things is so
14 intense.

15 It's complicated and it really depends on
16 the concrete -- concrete details and
17 circumstances of the case, and it's very
18 difficult for me to express a view that's a
19 supposition or a hypothetical without having
20 the concrete case or concrete facts in front of
21 me.

22 Q. Okay. And fair to say in Ms.
23 Ozturk's case you don't know why that memo
24 recommends revocation under 1201 I as opposed
25 to another provision?

1 A. I do not recall and do not know
2 at the basis of any knowledge. I would be
3 happy to review any document that you might be
4 able to present.

5 MS. CONLON: It almost feels like
6 you're teasing me now. I have nothing. I
7 think you know that. I hope you know that.

8 I'm not withholding anything from
9 you and I've asked your counsel many times for
10 these documents. So just please know that from
11 the bottom of my heart, if I have it, I'd give
12 it to you. Okay. Do we have anything else on
13 Ms. Ozturk? We don't.

14 Okay. We are hopeful for your
15 situational awareness there are four other
16 non-citizens we have questions about. We have
17 understand that privilege will be invoked in
18 response to many of our questions about those
19 other people.

20 I'm just going to ask a few
21 specific questions to make a record about
22 revocations under different basis, but then I
23 think we can try to sort of efficiently deal
24 with everybody else.

25 MS. SANTORA: Okay.

1 BY MS. CONLON:

2 Q. So I'd like to turn your
3 attention, Mr. Armstrong, to page 44 of the
4 administrative record?

5 A. Which document is that?

6 Q. It's in -- I'm sorry it's the
7 same exhibit that you're in, Exhibit 5.

8 A. Exhibit 5 or Exhibit 3?

9 MS. SANTORA: Exhibit 3.

10 MS. CONLON: Exhibit 3?

11 MS. SANTORA: 3.

12 THE WITNESS: Exhibit 3, not 5. And
13 what was the page?

14 MR. BEAUMONT: 44.

15 MS. SANTORA: 44.

16 MS. CONLON: 44.

17 BY MS. CONLON:

18 Q. When you've had a chance to
19 skim the document, let me know.

20 A. This one, here?

21 Q. Yes, exactly. This one
22 concerning Badar Khan Suri S-U-R-I?

23 A. (The witness reviews document.)

24 Q. When you're finished let me
25 know.

1 A. Okay.

2 Q. I'm just asking that you read
3 the memorandum.

4 A. I see. Not the attachments?

5 Q. That's right.

6 A. I have completed reviewing the
7 document.

8 Q. Okay. Thank you. So this is a
9 memorandum concerning Badar Khan Suri, correct?

10 A. Yes, that is the subject of the
11 memorandum.

12 Q. Have you seen this memorandum
13 before?

14 A. I do not recall.

15 Q. This memorandum was signed off
16 on or issued by Secretary Rubio, right?

17 A. Yes, from Marco Rubio.

18 Q. And in this memorandum Mr. Suri
19 is found to be -- is found to be suitable for
20 revocation under the 4C provision of the INA;
21 is that right?

22 A. Yes.

23 Q. Under 4C a person is deportable
24 if their presence or activities in the United
25 States would have potentially serious, adverse,

1 foreign policy consequences for the United
2 States, correct?

3 A. That is what it writes in the
4 memorandum or what is written in the
5 memorandum.

6 Q. Is that consistent with your
7 understanding of 4C through your work?

8 A. Yes.

9 Q. Now, were you involved in any
10 capacity in Mr. -- in the determination about
11 Mr. Suri?

12 A. I may have been, I do not
13 recall with certainty.

14 Q. If you look at the top of the
15 second page, there is language that appears in
16 quotation marks. I'll read it to you, [As
17 read] "Suri's direct connection to moss
18 leadership and involvement in anti-Semitic
19 activities creates a hostile environment for
20 Jewish students and indicates support for a
21 designated terrorist organization."

22 Do you know what this memorandum is
23 quoting from?

24 A. I do not.

25 Q. We looked moments ago at the

1 memorandum you signed for Ms. Ozturk and in
2 that memo there was quoted language, I can
3 draw -- you're welcome to look back at it.
4 That's on page 34.

5 That quoted language is similar to what
6 we see here in Mr. Suri's memo and Ms. Ozturk's
7 memo the quotation is, [As read] "(inaudible)
8 U.S. foreign policy by creating a hostile
9 environment for Jewish students and indicating
10 support for a designated terrorist
11 organization."

12 Do you see that the similar language in
13 their memos?

14 A. Yes.

15 Q. Does that inform your
16 understanding of what these memos are quoting
17 in any way?

18 A. No.

19 Q. Do you know anything about the
20 basis for the claim that Mr. Suri had a direct
21 connection to Hamas leadership?

22 A. No.

23 Q. Do you know anything about the
24 basis for the claim that Mr. Suri was involved
25 in anti-Semitic activities?

1 A. I recall --

2 MS. SANTORA: Objection. You can
3 answer -- what was your question, do you --

4 BY MS. CONLON:

5 Q. Do you know anything about the
6 basis for the claim that Mr. Suri was involved
7 in anti-Semitic activities?

8 MS. SANTORA: You can answer whether
9 you know. To the extent the question's asking
10 for the basis that is law enforcement privilege
11 then I direct you not to answer.

12 A. I do not recall if I was
13 familiar at the time with the basis of the
14 claim.

15 BY MS. CONLON:

16 Q. Are you familiar now?

17 A. To my knowledge, no.

18 Q. Do you know anything about the
19 basis for the claim that Mr. Suri created a
20 hostile environment for Jewish students?

21 A. I do not recall any information
22 on this basis.

23 Q. Instead of going line by line,
24 is it fair to say that you don't know about the
25 factual basis for the determination concerning

1 Mr. Suri apart from what you're reading in this
2 memo?

3 A. I do not recall this
4 information.

5 Q. Now, further down in that -- on
6 page 2 there's a sentence at the end of the
7 main paragraph that states, [As read] "Moreover
8 the type of intimidation and in segment
9 attributable to Suri potentially undermines the
10 peace process under way in the Middle East by
11 reenforcing anti-Semitic sentiment in the
12 regional and thereby threatening the U.S.
13 foreign policy goal of peacefully resolving the
14 Gaza conflict."

15 Do you know anything about the factual
16 basis for that claim?

17 MS. SANTORA: Objection. Lack of
18 foundation. Calls for speculation.

19 A. Based on what's in front of me,
20 I know nothing more than what is in this
21 document.

22 BY MS. CONLON:

23 Q. Is it the State Department's
24 position that campus protests that are
25 anti-Semitic threaten the U.S. foreign policy

1 goal of peacefully solving the conflict?

2 MS. SANTORA: Objection. Lack of
3 foundation. Calls for speculation.

4 A. The State Department has been
5 very clear on its position on anti-Semitism in
6 general.

7 BY MS. CONLON:

8 Q. Is it the State -- well,
9 withdrawn. You mentioned earlier the State
10 Department has forcefully come out against
11 anti-Semitism, but does the State Department
12 have a position on whether student protests on
13 college campuses in the U.S. threaten the U.S.
14 foreign policy goal of peacefully resolving the
15 Gaza conflict?

16 MS. SANTORA: Objection. Lack of
17 foundation. Calls for speculation.

18 A. Secretary Rubio has stated that
19 he's against foreign aliens organizing
20 anti-Semitic activity in the United States
21 foreign aliens, guests in our country.

22 BY MS. CONLON:

23 Q. Fair to say to understand the
24 State Department's position on something like
25 this I should look at Mr. Rubio's statements

1 about it; is that correct?

2 A. He is the Secretary of State.

3 Q. And he makes U.S. foreign
4 policy?

5 MS. SANTORA: Objection. Lack of
6 foundation. Calls for speculation.

7 A. Yes, he's also the national
8 security advisor at the present time as well as
9 the head of national archives and he has one
10 other position which I have forgotten.

11 BY MS. CONLON:

12 Q. He's currently also the head of
13 the national archives?

14 A. Yes.

15 Q. Very busy man. I'm just -- one
16 second. Okay. So you don't have any
17 information about why the determination in this
18 case was under 4C and not 1201 I, correct?

19 A. I only have the information
20 that is in this memo that you have kindly shown
21 me.

22 MS. CONLON: Okay. I think -- am I
23 correct in understanding from the Government
24 that any questions I would ask about the basis
25 for the action as to all of the targeted

1 students in our case would lead you to invoke a
2 privilege?

3 MS. SANTORA: Yes, the law
4 enforcement privilege.

5 MS. CONLON: All right.

6 MS. SANTORA: Also to the extent that
7 it's the recommendation of deliberative process
8 privilege.

9 BY MS. CONLON:

10 Q. So I have one more non-citizen
11 I want to ask you about whose circumstances are
12 slightly different than that rest of the group
13 and then the rest of the group I can just make
14 a record about and we don't need to talk about
15 given the Government's implication privilege.

16 Just one moment. I want to make sure I
17 have nothing else on Mr. Suri before we move
18 on.

19 So turning now to page 18 of the
20 administrative record that's in front of you.

21 A. Exhibit 3, yes?

22 Q. Yes. Please take a moment to
23 review pages 18 and 19. I'm just asking you to
24 look at 18 and 19 so when you have done that
25 let me know.

1 A. Okay.

2 Q. This is a notification of
3 removability determination for Mahmoud Khalil,
4 right?

5 A. It appears to be, yes.

6 Q. And this memorandum states that
7 Mr. Khalil is a lawful permanent resident,
8 correct?

9 A. And another person too.

10 Q. Yes, I don't know who that is
11 because it is redacted. But I'm only going to
12 ask you questions with respect to Mr. Khalil?

13 A. It says both, so yes, he's one
14 of the two.

15 Q. And the memorandum concludes
16 that Mr. Khalil is deportable under 4C,
17 correct?

18 A. Yes, both Mr. Khalil and the
19 other unnamed alien.

20 Q. The other memorandum memos that
21 we looked at concerned Visa holders not lawful
22 permanent residents. Is there anything
23 different about the process for making a
24 removability determination of a lawful
25 permanent resident?

1 MS. SANTORA: Objection. Lack of
2 foundation. Calls for speculation.

3 A. Again, I don't have the INA in
4 front of me so I'm certainly going from memory,
5 the difference being I do not believe the
6 221(i) applies to lawful permanent residents
7 because they're not Visa holders by definition.
8 BY MS. CONLON:

9 Q. I'm sorry, I don't mean with
10 respect to the INA I mean, the process in the
11 Department of State.

12 Is there anything different about the
13 process for making a removability determination
14 for a lawful permanent resident under 4C than
15 for a Visa holder?

16 MS. SANTORA: Objection. Lack of
17 foundation. Calls for speculation.

18 A. I do not know.
19 BY MS. CONLON:

20 Q. Now, is there -- I think we
21 talked about it in another context, but in the
22 context of making a removability determination
23 for a lawful permanent resident, is there a
24 person in the Bureau of Consular Affairs who
25 handles that?

1 MS. SANTORA: Objection. Lack of
2 foundation. Calls for speculation.

3 A. It would be a person in the
4 Visa office. Again, DAS Wilson and MD,
5 managing director, Norris of the Visa office.
6 BY MS. CONLON:

7 Q. For your purposes when you are
8 asked to review a memo making a removability
9 determination for a lawful permanent resident
10 is there anything different that you do than
11 you would do for a memo on a Visa holder?

12 A. In all cases I would determine
13 with certainty that the part of the law being
14 used can be used against that an alien in that
15 status.

16 Q. There is no specific --
17 withdrawn. In other words, the process on your
18 end is the same when reviewing a removability
19 recommendation or determination for a lawful
20 permanent resident or a Visa holder; is that
21 correct?

22 A. Essentially, yes, it is my
23 recollection. I haven't reviewed a case in a
24 bit.

25 Q. Now, is the chain of people

1 starting at that time top with Secretary Rubio
2 down to the most junior person any different
3 for removability determinations of lawful
4 permanent residents from Visa holders?

5 MS. SANTORA: Objection. Lack of
6 foundation, calls for speculation.

7 A. I would have to look at
8 concrete memoranda to make that determination,
9 although there could be a difference.

10 For example, if a 22 -- 222 I case does
11 not require it, it can be the Secretary of
12 State but it does not require to be the
13 Secretary of State but as is noted here the
14 Secretary of State must personally determine.

15 So for the use of the 237 A, small A4,
16 large C 2, it must be the Secretary of State.
17 Well, for the 222 I it is not required, it can
18 be, but is not required.

19 That is the significance difference which
20 means that 222 I can go to a person at a lower
21 level, for example, to me to a DAS or someone
22 even lower, managing director, for example.

23 BY MS. CONLON:

24 Q. Okay. I'm not sure if you can
25 answer this, but in the chain of people up to

1 you starting from the bottom, is that part of
2 the chain any different whether it's a
3 removal -- a removability determination under
4 4C or 3C or 1201 I, 221(i); does that change?

5 MS. SANTORA: Objection. Lack of
6 foundation. Calls for speculation.

7 A. To say with 100 percent
8 certainty I'd have to look at concrete examples
9 and see the list of the people.

10 BY MS. CONLON:

11 Q. Is -- sorry. Go ahead.

12 A. No, I'm done with that answer.

13 Q. Is there memorialized anywhere
14 the list of people from the bottom to the top
15 involved in any particular removability
16 determination?

17 A. I do not know.

18 Q. If you wanted to know every
19 person who had been a part of a removability
20 determination for a given individual, how would
21 you get that information?

22 A. I'd ask for it.

23 Q. And who would you ask?

24 A. I'd ask the Visa office.

25 Q. And who in the Visa office

1 would you ask?

2 A. I'd ask the DAS, Stuart Wilson.

3 Q. And you expect Mr. Wilson to be
4 able to tell you each person who was a part of
5 the chain of making that decision; is that
6 correct?

7 A. Yes. Or to be able to get such
8 information. If not, he would receive a
9 talking to.

10 Q. Is there a particular computer
11 system or information system that you would
12 expect to have that information?

13 I believe earlier you mentioned a
14 information system for revocations, but I now
15 cannot remember what it is called.

16 A. Yes, I did note that and I
17 think it's just on the -- one of our systems,
18 but I don't know which one because I do not
19 personally press the button to do the
20 revocations because every single one is
21 reviewed by a -- someone who knows how to do
22 this.

23 They just don't do them in mass without
24 reviewing every single case and the totality of
25 the circumstances. It's actually quite time

1 consuming is my understanding.

2 What I would look to, I would look to
3 turn to Stuart, DAS Wilson and in the document
4 there should be a list somewhere of who wrote
5 it. Who was -- participated in it.

6 Q. And you said in the document
7 there should be a list somewhere of who wrote
8 it. In what document?

9 A. I'm sorry. It's called the
10 clearance sheet.

11 Q. Is a clearance sheet a log of
12 every person who has cleared a particular
13 report or document?

14 A. Yes.

15 Q. And is a clearance sheet
16 generated for every -- as part of every
17 removability determination?

18 A. Every? I do not know 100
19 percent.

20 Q. Well, I'm not seeking a promise
21 that it's 100 percent of the time, but is the
22 ordinary course that a clearance sheet is
23 generated for a removability determination?

24 A. Yes.

25 Q. What about for revocation

1 determination?

2 A. It depends who the revocation
3 determination is going to.

4 Q. There are certain types of
5 revocation determinations for which there would
6 not be a clearance log?

7 A. That is correct, and it's my
8 understanding I think the best thing would be
9 to ask the people in the Visa office. I do not
10 know. Simply, I do not know with certainty.

11 Q. Okay. We talked about from you
12 and down the chain of folks involved in a
13 determination. Where -- I'd like to talk about
14 the top part of the chain, not sure how long is
15 it, but who else is in the chain potentially
16 besides you and then Secretary Rubio up at the
17 top.

18 MS. SANTORA: Objection. Lack of
19 foundation. Calls for speculation.

20 A. Action memos go from me as
21 filling the duties of an assistant secretary to
22 Secretary Rubio through his staff through the
23 staff.

24 BY MS. CONLON:

25 Q. The staff of Secretary Rubio?

1 A. Yes. The executive secretary.

2 Q. Secretary Rubio's executive
3 secretary?

4 A. Yes.

5 Q. And who is that, I'm sorry?

6 A. It's a bunch of people that
7 have the exec, that exec sec just like at NSC
8 Ms. Stufft, here it's Ambassador Canuff (ph),
9 if I'm not mistaken, who runs that staff.

10 Q. Do you know whether between
11 when you give the determination to Secretary
12 Rubio's executive secretary and that person
13 gives it to Secretary Rubio, is there anyone
14 else in the chain who reads it?

15 A. I'm not privy to that, I do not
16 know who it goes to.

17 Q. Is it your understanding when
18 you give it to Secretary Rubio's executive
19 secretary that the purpose of that is for
20 Secretary Rubio to review it?

21 A. Yes. Why else would I send it
22 to him?

23 Q. Decoration.

24 A. No, he doesn't have a lot of
25 time. I'm sorry. Forgive me, I digress. I'm

1 sorry. I do not know. I have no knowledge of
2 that.

3 Q. Okay. For Mr. Khalil's whose
4 memo we have in front of us, do you know
5 anything about the factual basis for the
6 removability determination for Mr. Khalil?

7 A. I know what is contained in
8 this document that you kindly presented to me.

9 Q. Do you know anything outside of
10 the four corners of this document?

11 A. I recall no other information
12 regarding Mr. Khalil outside of this -- the
13 four corners of this document other than I
14 heard on the news he had been released.

15 MS. CONLON: Sorry. Just one moment.
16 So this is for your counsel now. We would ask
17 questions about the factual basis and other
18 basis for actions against the other targeted
19 non-citizens we are focus on in this case and
20 that's Mohsen Madawi, M-A-D-A-W-I, as well as
21 Yunseo Chung.

22 We will not take the time to do
23 that understanding that the Government would
24 invoke various privileges in response to any
25 questions about that on the same grounds that

1 was we set forth in yesterday's deposition of
2 Mr. Watson.

3 MS. SANTORA: Yeah, I just want to be
4 clear for the record that with respect to those
5 questions those questions or questions about
6 the basis for the determinations in the memos
7 regarding the five non-citizens, we are
8 invoking the law enforcement privilege.

9 And to the extent the basis
10 involves recommendations for deliberative
11 process privilege and we're directing the
12 witness not to answer those questions with
13 respect to the five non-citizens.

14 THE WITNESS: Can we have a break?

15 MS. SANTORA: Yes, we can have a
16 break. I'm sorry. Can we have a break?

17 MS. CONLON: Yes.

18 THE VIDEOGRAPHER: Off the record
19 19:55.

20 (A break was taken at 7:55 p.m.)

21 (Proceedings resumed at 8:11 p.m.)

22 THE VIDEOGRAPHER: Back on the record
23 at 20:12.

24 BY MS. CONLON:

25 Q. Okay. We're really close. The

1 referrals that we looked at for Mr. Suri, Mr.
2 Khalil and Ms. Ozturk came from the Department
3 of Homeland Security.

4 Have you received any referrals from
5 anybody other than the Department of Homeland
6 Security in connection with revocations of
7 student Visas or determines of removability for
8 lawful permanent residents?

9 MS. SANTORA: I'm sorry. Objection.
10 Form. Can you repeat that?

11 MS. CONLON: Oh, it's very long.

12 MS. SANTORA: I'm sorry.

13 MS. CONLON: No, it's okay. Do
14 referrals for the kinds of removability
15 determinations and revocation determinations
16 we've been discussing come to the State
17 Department from anywhere other than Homeland
18 Security?

19 MS. SANTORA: Objection. Form. To
20 the extent you can answer, you can answer.

21 A. I do not know with certainty.

22 BY MS. CONLON:

23 Q. Have you ever seen a referral
24 from any place other than the Department of
25 Homeland Security?

1 A. I'm not sure.

2 Q. Do you have any reason to
3 believe they come from any other agency?

4 MS. SANTORA: Objection. Form.

5 A. Yes, because we look for
6 information from various sources. DHS is quite
7 prolific, but there could be others.

8 BY MS. CONLON:

9 Q. Are there any other sources
10 that you routinely receive referrals from apart
11 from DHS?

12 A. No, not referrals.

13 Q. Is there something that is a
14 referral equivalent called by another name that
15 you are thinking of when you say that?

16 A. There have been cases where the
17 parts of the State Department have been put
18 forth holders of non-immigrant Visas for
19 consideration for revocation.

20 Q. Have any of those cases
21 occurred under this administration, to your
22 knowledge?

23 A. Yes.

24 Q. Have any of those cases
25 involved student Visas?

1 A. Yes.

2 Q. Have any of those cases
3 involved student Visas holders accused of
4 anti-Semitism or association with or support
5 for foreign terrorists organizations?

6 A. I'm not sure. I do not recall
7 with certainty.

8 Q. When a referral comes from
9 within the Department of State which part of
10 the Department of State generates that
11 referral?

12 A. The leadership.

13 Q. What are the circumstances
14 under which a particular Visa holder comes to
15 the attention of the leadership of the State
16 Department leading to the determination of
17 removability or revocation?

18 MS. SANTORA: Objection. Lacks
19 foundation. Calls for speculation.

20 A. The leadership is quite well
21 connected and has in its sources of information
22 from all over the place and it really depends
23 on the situation and where they -- and where it
24 comes from.

25 BY MS. CONLON:

1 Q. Does the leadership ever get
2 information leading to a revocation or
3 removability determination from parties outside
4 the Government?

5 A. Yes.

6 Q. Which parties?

7 A. I don't recall.

8 Q. Do you know whether leadership
9 has gotten information from any of the
10 following entities, Canary Mission, Heritage
11 Foundation, Betar U.S.

12 MS. SANTORA: Objection. Form.

13 A. Could you repeat those?

14 BY MS. CONLON:

15 Q. Do you know whether leadership
16 has gotten any information leading to a
17 removability or revocation determination from
18 any of the following entities: Canary Mission,
19 Heritage Foundation, Betar U.S.?

20 A. The first two I have not heard
21 of. I have heard of Betar U.S. mentioned but I
22 don't remember the situation and what it was
23 mentioned. I've heard of the other
24 organization the other two, Heritage Foundation
25 I've also heard of, but those two I've heard

1 of, but I don't remember the exact situation.

2 Q. Have you ever heard of any
3 coordination between the State Department and
4 either Betar U.S. or the Heritage Foundation in
5 any context?

6 A. I remember reading something
7 that cited since I've been in my position that
8 referred to some information from Betar U.S. I
9 do not remember what this document was. I do
10 not remember what it involved. It could have
11 been a revocation. It might not. I do not
12 know with certainty.

13 The Heritage Foundation has put on
14 various events that I know people from the
15 State Department have attended and have for
16 years, it's a well known think tank. That is
17 what I know to.

18 Q. Okay. Do you know any --
19 withdrawn. Do you know whether the State
20 Department has investigated any referrals based
21 on any information received from Betar U.S.?

22 A. I do not know with certainty.

23 Q. Do you have any information
24 about whether you have certainty as to the
25 question? What do you know about it?

1 A. I remember reading in a
2 document I believe it was an unclassified
3 document, I do not know for sure. I think it
4 was unclassified -- yes, it was definitely
5 unclassified, as a matter of fact.

6 Q. Thank you. The heart attack.

7 A. The mention of Betar U.S. in
8 some situation, in this position that I am in
9 now, I do not remember the exact information
10 involved, but I do remember Betar U.S.

11 Q. Are you aware of any specific
12 repeat providers of information to the
13 Department of State in connection with
14 referrals that are non-Government actors?

15 A. Well, DHS, but they're a
16 Government actor. No. None come to mind.

17 Q. In the time you've been in your
18 role starting in March actually, has there
19 been --

20 A. February 27th.

21 Q. I'm not trying to shortchange
22 you time. My question is actually beginning of
23 March, recognize there's some pre-maritime
24 there.

25 Has there been any reallocation of the

1 resources at the Bureau of Consular Affairs in
2 connection with the two executive orders we've
3 discussed today?

4 A. I'm not sure. I don't think
5 so.

6 Q. Has there been any reallocation
7 of personnel to -- sorry withdrawn.

8 Has there been any reallocation of
9 personnel to various projects -- or no.
10 Withdrawn. Sorry.

11 Do you know whether just before you
12 took on your role, February 27th, whether there
13 was any reallocation of resources within the
14 Bureau of Consular Affairs in connection with
15 the two executive orders?

16 A. None that I'm aware of, but I
17 can't speak with authority about what happened
18 before I took on my role.

19 Q. What about reallocation of
20 personnel?

21 A. None that I know of.

22 Q. So I'm not asking you questions
23 about them I just want to know if you had any
24 involvement with the students who we didn't
25 discuss that are part of our case.

1 Were you involved in any way with the
2 determination concerning Mohsen Madawi, if you
3 recall?

4 A. I do not recall.

5 Q. Okay. And were you involved in
6 any way with the determination concerning
7 Yunseo Chung?

8 A. I may have been. I do not know
9 with certainty. The name is familiar to me.

10 Q. Do you recall as you sit here
11 any details about her case?

12 MS. SANTORA: Objection. Form. Lack
13 of foundation. Calls for speculation.

14 A. That she was from the People's
15 Republic of China.

16 BY MS. CONLON:

17 Q. She's from the People's
18 Republic of -- is there anything else that you
19 recall about her or her case?

20 A. She's female.

21 Q. These are good deductions.
22 Anything --

23 A. No, actually I recall -- I
24 actually recall reading the name and saying,
25 oh, this is a woman from the People's Republic

1 of China.

2 Q. Is there anything about her
3 name or country of origin that you recall about
4 her or her case?

5 A. I recall hearing recently that
6 she has not been detained, but that could have
7 been from the media. I do not know the source
8 of that information.

9 Q. To the best of your
10 recollection, have you performed any particular
11 work on her case?

12 A. I'm not sure. I may have since
13 the name rang a bell, but I don't know with
14 certainty. If you've got a document that you'd
15 like to show, I'm happy to review it.

16 MS. CONLON: I have no document with
17 your name on it relating to her. And hardly
18 any documents about her at all.

19 Okay. I think the only thing left I
20 just want to clarify the record about what I
21 would have asked and then I'll stop shocking
22 all of us I'm sure.
23 You said earlier, Ms. Santora, that you would
24 object to questions concerning the content of
25 memorandum about the decisions that were made.

1 I just wanted to be clear that I would ask
2 questions about more than just the content of
3 substance of the memoranda but actual questions
4 about the basis for the decision whether
5 reflected in the memoranda or not.

6 So I would ask if you would let me -- questions
7 about the basis for the decision that a person
8 was removable or that their Visa should be
9 revoked, the factual basis the process of
10 reaching that determination including all
11 deliberations from the most junior person to
12 the most senior person who participated in that
13 determination, if you would let me.

14 MS. SANTORA: We would invoke both
15 the law enforcement provision and deliberative
16 process privilege to protect all --

17 THE COURT REPORTER: I'm sorry. We
18 invoke both the law enforcement privilege --

19 MS. SANTORA: And deliberative
20 process privilege with respect to all five
21 non-citizens.

22 MS. CONLON: And also for the record
23 I would ask about all communications concerning
24 those decisions as well.

25 MS. SANTORA: Yes, we would invoke

1 the deliberative process and the law
2 enforcement privilege over those communications
3 with respect to all five.

4 MS. CONLON: Okay. And for the
5 record we object to the invocation we will save
6 everybody the time and not go through the whole
7 process now.

8 I think depending on what your
9 direct is, I am done. How much time remains?

10 THE VIDEOGRAPHER: 6 hours 27 minutes
11 on the record.

12 MS. SANTORA: Do you want to talk
13 briefly? Okay. Just give us 2 minutes.

14 THE VIDEOGRAPHER: Off the record.
15 8:26 p.m.

16 (A break was taken at 8:26 p.m.)

17 (Proceedings resumed at 8:31 p.m.)

18 THE VIDEOGRAPHER: We're back on the
19 record 20:31.

20 BY MS. CONLON:

21 Q. Okay. In your declaration
22 which I think is Exhibit 1 on the second to
23 last page which is page 4 in paragraphs 15 and
24 17 speak of Secretary Rubio's public remarks.

25 My question is only did you speak with

1 Secretary Rubio about his remarks?

2 A. Personally?

3 Q. Yes.

4 A. No.

5 MS. CONLON: Okay. I don't think I
6 have any other questions. That's it literally.

7 THE VIDEOGRAPHER: This ends today's
8 deposition. We are going off the record 20:32.

9 THE COURT REPORTER: Just before I do
10 that could I get the transcript orders.

11 MS. SANTORA: We would like expedited
12 is that --

13 THE COURT REPORTER: Same time as
14 before?

15 MS. SANTORA: Yeah, next day.

16 THE COURT REPORTER: That would be
17 Monday -- you'll probably get it over the
18 weekend.

19 MS. SANTORA: Okay. Yeah, the one
20 that's -- whatever's as quick as possible. I
21 know it's late.

22 THE COURT REPORTER: Did you want a
23 rough tonight?

24 MS. SANTORA: If you have a rough.

25 MS. CONLON: And same for us. Thanks.

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby
certify that I have read the foregoing pages and
that the same is a correct transcription of the
answers given by me to the questions therein
propounded, except for the corrections or
changes in form or substance, if any, noted in
the attached Errata Sheet.

Date_____
Signature

1 CERTIFICATE

2
3 I, Okeemah S. Henderson, RPR, the officer before
4 whom the foregoing deposition was taken, do hereby certify
5 that the foregoing transcript is a true and correct record
6 of the testimony given; that said testimony was taken by me
7 stenographically and thereafter reduced to typewriting
8 under my direction; that reading and signing was not
9 requested; and that I am neither counsel for, related to,
10 nor employed by any of the parties to this case and have no
11 interest, financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 and affixed my notarial seal this 17th day of June, 2025.
14 My commission expires:
15 September 30, 2029
16
17
18
19
20

21 Okeemah S. Henderson
22 Okeemah S. Henderson, RPR
23 Official Court Reporter
24
25

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Career (1)	civil (1)	comptroller's (1)	contributed (3)
careful (1)	claim (6)	computer (4)	conversation (12)
carries (1)	clarification (6)	concern (1)	conversations (24)
carry (1)	clarifications (2)	concerned (3)	conveyed (1)
carrying (3)	clarify (6)	concerning (28)	convoluted (1)
cartels (1)	clarifying (4)	concerns (4)	coordinate (1)
Case (52)	clarity (3)	conclude (1)	coordinated (1)
cases (33)	classes (1)	concludes (1)	coordination (1)
CaseViewNet (1)	classified (9)	concrete (15)	copies (1)
cast (2)	clear (30)	concretely (2)	copy (11)
catch (38)	clearance (19)	condemnation (1)	core (1)
catching (3)	cleared (13)	conduct (8)	corners (2)
categories (1)	clearer (1)	confer (5)	correct (65)
category (1)	clearing (8)	conference (6)	corrections (1)
cause (3)	clearly (3)	conferring (1)	correctly (1)
CC'd (1)	client (1)	confidential (1)	council (2)
cease (3)	close (2)	confidentiality (1)	council/consular (1)
cemetery (1)	Club (1)	conflict (3)	COUNSEL (30)
center (1)	coaching (1)	confused (2)	counselor (10)
certain (17)	coauthored (3)	confusing (1)	counselor's (3)
certainly (2)	Code (4)	Congressional (1)	counsels (1)
certainty (24)	codified (1)	conjunction (1)	count (2)
CERTIFICATE (1)	coffee (1)	CONLON (335)	Counter (5)
Certified (1)	colleagues (5)	connected (1)	countries (2)
certify (2)	collective (1)	connection (10)	country (5)
chain (8)	college (3)	consequences (1)	Counts (1)
chair (1)	colleges (2)	consider (1)	couple (5)
chance (9)	Columbia (4)	consideration (4)	course (12)
change (3)	combat (5)	considering (1)	COURT (20)
changed (1)	combatting (2)	consistent (5)	COURTNEY (2)
changes (1)	come (16)	Constitution (1)	cover (2)
chanted (1)	comes (7)	CONSULAR (79)	covered (18)
characteristics (1)	coming (4)	consular's (2)	covers (1)
characterization (1)	comment (3)	consulate (2)	create (1)
characters (2)	commission (1)	consult (1)	created (7)
charge (2)	common (2)	consultation (1)	creates (1)
chart (1)	communication (7)	consulted (2)	creating (8)
check (1)	communications (14)	consuming (1)	creation (13)
chief (2)	compares (1)	contact (1)	criminal (3)
China (2)	compelled (1)	contain (1)	criteria (5)
chooses (1)	compiled (1)	contained (3)	criticism (2)
Christopher (1)	complete (3)	contains (2)	criticizing (3)
Chung (2)	completed (5)	content (11)	crossed (1)
circumstance (2)	completely (4)	contents (1)	crowd (1)

cultural (1)
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 Decoration (1)
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EXHIBIT 6

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

Case No. 1:25-cv-10685 (WGY)

3 AMERICAN ASSOCIATION OF :
4 UNIVERSITY PROFESSORS, AMERICAN :
5 ASSOCIATION OF UNIVERSITY :
6 PROFESSORS-HARVARD FACULTY CHAPTER, :
7 AMERICAN ASSOCIATION OF :
8 UNIVERSITY PROFESSORS AT NEW :
9 YORK UNIVERSITY, RUTGERS AMERICAN :
10 ASSOCIATION OF UNIVERSITY :
11 PROFESSORS-AMERICAN :
12 FEDERATION OF TEACHERS, and :
13 MIDDLE EAST STUDIES ASSOCIATION, :
14 :
15

Plaintiffs,
vs.

10 MARCO RUBIO, in his official capacity as :
11 Secretary of State, and the DEPARTMENT :
12 OF STATE, KRISTI NOEM, in her official :
13 capacity as Secretary of Homeland :
14 Security, and the DEPARTMENT OF HOMELAND :
15 SECURITY, TODD LYONS, in his official :
16 capacity as Acting Director of U.S. :
17 Immigration and Customs Enforcement, :
18 DONALD J. TRUMP, in his official capacity :
19 As President of the United States, and :
20 UNITED STATES OF AMERICA, :
21 :
22

Defendants.

18 REMOTE VIDEOTAPED
19 DEPOSITION UNDER ORAL EXAMINATION OF:
20 PETER HATCH

June 25, 2025

21 REPORTED BY: JENNIFER L. WIELAGE, CCR, RPR, CRR

22 REPORTED BY: OKEEMAH S. HENDERSON, RPR

23
24
25 EVEREST JOB # 42251

1 TRANSCRIPT of the remote deposition of the
2 above-named witness, called for Oral Examination in
3 the above-entitled matter, said deposition being
4 taken pursuant to Federal Court Rules, by and before
5 JENNIFER WIELAGE, Certified Shorthand Reporter and
6 Notary Public, License No. XI01916, on Wednesday,
7 June 25, 2025, commencing at 7:00 in the evening.

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19
20 ALSO PRESENT: JON RASSON, Videographer

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6 By Ms. Krishnan

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P R O C E E D I N G S

THE VIDEOGRAPHER: We are now on the record today's date is June 25th 2025, and the time is 10:21 a.m. Eastern daylight time.

This is the recorded video deposition of Peter Hatch in the Matter of American Association of University Professors, et al versus Marco Rubio, et al. United States District Court, District of Massachusetts. Civil Action No. 125-CV-10685.

This deposition is being held at 1615 M Street, Northwest, Washington, D.C. My name is Jon Rasson from Everest Court Reporting and I am the video specialist. The court reporter today is Okeemah Henderson also from Everest Court Reporting.

Will counsel, please, state their appearances for the record.

MS. KRISHNAN: My name is Ramya Krishnan and I represent the Plaintiffs.

MS. CONLON: My name is Alex Conlon, and I also represent the plaintiffs.

MS. EVANS: My name is Talya Nevins and I also represent the Plaintiffs.

MS. SAFAVI: My name is Nancy Safavi,

1 and I represent the Respondents in this case.

2 MS. STROKUS: Jessica Strokus from
3 DOJ for the Defendants.

4 MR. ALEXANDER: Darrell Alexander
5 with ICE representing the Defendants.

6 MS. CHARETTE: Kaitlyn Charette, DHS
7 OGC representative for the Government.

8 THE VIDEOGRAPHER: Will the court
9 reporter please swear in the witness.

10 PETER HATCH,
11 was called as a witness, and having been first
12 duly sworn, was examined and testified as
13 follows:

14 THE WITNESS: I do.

15 EXAMINATION

16 BY MS. KRISHNAN:

17 Q. Good morning, Mr. Hatch.
18 Before I get started with questions, I just
19 want to start with some ground rules.

20 Because the court reporter is taking
21 down everything we say, please, give visual
22 responses. If you don't understand a question,
23 please let me know, and I'm happy to rephrase
24 it. It's important that if you don't
25 understand a question that I've asked, that you

1 ask the clarification.

2 If you need a break, just let me know.
3 We can break at any time except when a question
4 is pending. If a question is pending, I prefer
5 that you answer it before we break.

6 The next couple of questions I would
7 ask at any deposition: Are you taking any
8 medication that could affect your ability to
9 testify truthfully today?

10 A. No.

11 Q. Is there any reason why you
12 can't provide truthful testimony today?

13 A. No.

14 Q. State your name for the record?

15 A. Peter Hatch.

16 Q. As you know, your testimony is
17 under oath today. Have you ever given
18 testimony -- sworn testimony before?

19 A. Yes.

20 Q. When?

21 A. Mid 2000s over almost 20 years
22 ago.

23 Q. Was that in a specific case?

24 A. Yes.

25 Q. And this testimony was in

1 court?

2 A. Yes.

3 Q. And what was the case about?

4 A. It was a theft internal to
5 Coast Guard.

6 Q. Is that the only case that you
7 have given sworn testimony in?

8 A. One other that was EEO
9 complaint, again, almost 20 years ago.

10 Q. EEO stands for what?

11 A. It was a workplace incident,
12 Equal Employment Opportunity.

13 Q. To your knowledge, has any
14 court ever found that your testimony is not
15 credible or was not credible?

16 A. No.

17 Q. Do any of the lawyers here
18 today represent you in your personal capacity
19 as opposed to your capacity as an employee of
20 DHS?

21 A. No.

22 Q. Did you speak with anyone about
23 the testimony that you're providing here today?

24 A. No.

25 Q. You didn't speak to your

1 lawyers?

2 A. Yes, I -- about the deposition
3 process, things like that.

4 Q. How many times did you meet
5 with Government attorneys to prepare for your
6 deposition today?

7 A. Twice.

8 Q. And how long was each of those
9 meetings?

10 A. The first one was about a half
11 hour, the second was two hours.

12 Q. Have you spoken with Andre
13 Watson about this case?

14 A. No.

15 Q. Have you spoken to Andre Watson
16 about the testimony that he has provided in
17 this case?

18 A. No.

19 Q. Have you spoken to John
20 Armstrong from the State Department about this
21 case?

22 A. No.

23 Q. Have you spoken to John
24 Armstrong about the testimony that he has
25 provided in this case?

1 A. No.

2 Q. Did you review any documents to
3 prepare for your testimony today?

4 A. No.

5 Q. Have you been advised not to
6 answer particular kinds of questions?

7 A. No.

8 Q. Okay. I'm just going to ask a
9 series of questions about your background. And
10 what is your highest level of education?

11 A. Bachelor of Science.

12 Q. Where did you get that degree?

13 A. Coast Guard Academy.

14 Q. When did you get that degree?

15 A. (Inaudible response.)

16 THE COURT REPORTER: I'm sorry. If
17 you could just keep your voice up because of
18 the blowers. Repeat your answer.

19 A. 1989.

20 BY MS. KRISHNAN:

21 Q. What is your current title?

22 A. Assistant Director, Office of
23 Intelligence, Homeland Security Investigations.

24 Q. And how long have you been in
25 that role?

1 A. Six years.

2 Q. What are your responsibilities
3 in that role?

4 A. I manage Homeland Security
5 Investigations Intelligence Program.

6 Q. What does managing HSI's
7 Intelligence Programs entail?

8 A. Training, equipping, allocating
9 resources, obtaining resources and developing a
10 policy tactics, techniques and procedures for
11 doing analysis.

12 Q. Analysis of what?

13 A. Primarily criminals, criminal
14 conspiracies and criminal networks.

15 Q. What do you train employees
16 inside the Office of Intelligence in?

17 A. Criminal analysis.

18 Q. Is it fair to say that you are
19 the senior most official in the Office of
20 Intelligence?

21 A. Yes.

22 Q. Who do you report to?

23 A. The deputy executive associate
24 director of Homeland Security Investigations.

25 Q. Who is -- what is their name?

1 A. Derek Gordon.

2 Q. Who do you oversee?

3 A. Approximately, 1,000
4 investigative analysts.

5 Q. What is the -- what are the
6 responsibilities of investigative analysts?

7 A. Again, to analyze criminals,
8 criminal conspiracies and criminal networks.

9 Q. You mentioned criminal
10 analysis, is there any other kind of analysis
11 that the offices -- Office of Intelligence
12 engages in?

13 A. Yes.

14 Q. What other kinds of analysis
15 does the Office of Intelligence engage in?

16 A. Protective intelligence.

17 Q. What does protective
18 intelligence mean?

19 MS. SAFAVI: Objection. I'm going to
20 instruct my client to answer to the extent that
21 it doesn't disclose law enforcement privilege.

22 A. Threats to -- ICE personnel,
23 ICE leadership, ICE operations, Homeland
24 Security investigations and their information
25 and facilities.

1 BY MS. KRISHNAN:

2 Q. Who in the Office of
3 Intelligence directly reports to you?

4 A. I have a deputy.

5 Q. What's the deputy's name?

6 A. Brad Etter (ph).

7 Q. Is there anyone else who
8 directly reports to you in the Office of
9 Intelligence?

10 A. No.

11 Q. Are there any other senior
12 officials in the Office of Intelligence?

13 A. Yes.

14 MS. SAFAVI: Objection. Form.

15 BY MS. KRISHNAN:

16 Q. What are the names, to the
17 extent you can answer?

18 MS. SAFAVI: Actually, I'm going to
19 ask that you define what senior official means,
20 if that's okay and define clarification in your
21 question.

22 BY MS. KRISHNAN:

23 Q. Let's do this another way. Who
24 directly reports to Brad Etter.

25 A. Four division chiefs.

1 Q. Who are those division -- what
2 are the four divisions?

3 A. Analysis, collections,
4 emergency management, and admin.

5 Q. Can you tell me who the chief
6 of each of those divisions is?

7 A. Yes.

8 Q. What are -- what are their
9 names?

10 A. Analysis is Roy Stanley,
11 collections is Clem Avery, admin or enterprise
12 services is Samantha Daniels and emergency
13 management is Michael Vice.

14 Q. His last name is Vice?

15 A. Yes.

16 Q. Please walk us through your
17 professional background prior to your current
18 role?

19 A. I spent over 30 years as a
20 coast guard officer.

21 Q. When did you join his?

22 A. 2019.

23 Q. When you joined his, what was
24 your role?

25 A. Same one I'm in now.

1 Q. So just to confirm, you were a
2 coast -- you were in the coast guard until
3 2019?

4 A. That's correct.

5 Q. And before we get into your
6 work at the Office of Intelligence, I want to
7 understand where that office is situated in
8 Government.

9 Is the Office of Intelligence a
10 division within his?

11 A. Yes.

12 Q. And his is a component of ICE?

13 A. A sub component.

14 Q. A sub component. And ICE is an
15 agency within DHS?

16 A. ICE is a component within DHS.

17 Q. I want to get this jargon
18 straight. What is your understanding of HSI's
19 mission?

20 A. To dismantle criminal --
21 transactional criminal organizations.

22 Q. Does his have any other names?

23 A. Yes.

24 Q. Could you name the main ones?

25 A. Manage the intellectual

1 property rights center, manage the center for
2 counter on human trafficking, manage the
3 student exchange visitor program, counter
4 terrorist organizations.

5 Q. You mentioned the student and
6 exchange visitor program. What does HSI's
7 management of that program entail?

8 A. I don't know. It's not
9 under (inaudible).

10 Q. Which division does
11 responsibility for that program fall?

12 A. National Security Division.

13 Q. Does his conduct noncriminal
14 investigations?

15 MS. SAFAVI: Objection. Form.

16 MS. KRISHNAN: You can answer.

17 MS. SAFAVI: Actually, I'm going to
18 ask that you define what that means.

19 MS. KRISHNAN: If the witness wants
20 clarification as I mentioned at the beginning,
21 you're more than welcome to seek clarification.
22 Let me know if you don't understand what a
23 question means.

24 And did you not understand my question?

25 A. What's that, what do you mean

1 by a noncriminal investigation?

2 BY MS. KRISHNAN:

3 Q. Does his investigate
4 individuals in relation to anything other than
5 criminal offenses?

6 A. I don't know. I don't know the
7 answer.

8 Q. Does his -- withdrawn.
9 Does his investigate individuals not
10 suspected of breaking criminal law?

11 A. No.

12 Q. You mentioned earlier that
13 his -- or the Office of Intelligence, rather,
14 engages in criminal analysis, but it also
15 engages in other kinds of analysis.

16 Does that analysis -- that other
17 analysis, does it relate to individuals not
18 suspected of breaking criminal law?

19 MS. SAFAVI: Objection. Form.

20 A. Can you repeat the question?

21 BY MS. KRISHNAN:

22 Q. You mentioned earlier that
23 there was criminal analysis and then there was
24 other analysis.

25 A. Okay.

1 Q. Does criminal analysis relate
2 to investigating individuals suspected of
3 breaking criminal law?

4 A. Yes.

5 Q. Does other analysis relate
6 to -- relate only to individuals suspected of
7 breaking criminal law?

8 A. Yes.

9 Q. Does his make arrests?

10 A. Yes.

11 Q. Is there any other division in
12 his that makes arrests?

13 A. I don't understand. No.

14 Q. Going back one step. Is it
15 your testimony that his does not investigate
16 noncriminal conduct?

17 MS. SAFAVI: Objection. Form.

18 A. What do you mean by
19 "noncriminal conduct"?

20 BY MS. KRISHNAN:

21 Q. I mean conduct that isn't
22 breaking the law?

23 MS. SAFAVI: Objection. Form. Calls
24 for a legal conclusion. Objection as well.

25 BY MS. KRISHNAN:

1 Q. Well, do you not understand the
2 question?

3 A. No.

4 Q. Earlier you said the Office of
5 Intelligence engages in two kinds of analysis,
6 criminal analysis and other analysis.

7 And I just want to go back to the
8 testimony because I don't remember what was
9 said -- I'm going to move on, and I'll come
10 back to this. Okay.

11 You mentioned that -- we talked about
12 HSI's mission, how does the Office of
13 Intelligence support HSI's mission?

14 A. By analyzing criminals,
15 conspiracies, criminal networks in ways that
16 support investigations.

17 Q. So all of the things you just
18 mentioned included criminal in it. Does the
19 Office of Intelligence investigate individuals
20 when not suspected of violating criminal law?

21 A. No.

22 Q. You mentioned that criminal
23 analysis is one of the programs within the
24 Office of Intelligence. What are the different
25 roles within that program?

1 A. Typically, they're broken down
2 by mission area, so terrorism related, child
3 exploitation, human trafficking, human
4 smuggling, drug smuggling, weapons smuggling,
5 the crime series, and the crime programs that
6 we have in his.

7 Q. You mentioned terrorism
8 related. What does terrorism related mean?

9 MS. SAFAVI: Objection. Privileged.
10 I'm going to instruct my client to answer the
11 question, so long as it does not divulge
12 classified or law enforcement privilege
13 information.

14 THE COURT REPORTER: Classified or --
15 if you could keep your voice up, please.

16 MS. SAFAVI: Oh, yeah. Sure. Or law
17 enforcement privileged information.

18 THE COURT REPORTER: Thank you.

19 MS. SAFAVI: You're welcome.

20 A. Can you repeat the question?

21 BY MS. KRISHNAN:

22 Q. When I asked about the
23 different roles within criminal analysis, you
24 responded, typically their programmed out by
25 mission area, so terrorism related and you

1 mentioned some other areas. What does
2 terrorism related mean?

3 A. Threats to Homeland Security
4 and threats to national security.

5 Q. Does advocating for terrorism a
6 threat to Homeland Security?

7 MS. SAFAVI: Objection. Form.

8 A. I don't know.

9 BY MS. KRISHNAN:

10 Q. Is expressing support for a
11 foreign terrorist organization a threat to
12 Homeland Security?

13 MS. SAFAVI: Objection. Form.

14 A. What do you mean by
15 "advocating"? How do you define "advocating"?

16 BY MS. KRISHNAN:

17 Q. Endorsing. Endorsing
18 terrorism.

19 A. Maybe. It would have to be in
20 the context of the individual situation.

21 Q. Is expressing support for Hamas
22 a threat to Homeland Security?

23 A. Again, in the context of the
24 individual case, it might be.

25 Q. What counts as relevant to

1 whether it is a threat to Homeland Security?

2 MS. SAFAVI: Objection. I'm going
3 to -- privilege. I'm going to instruct my
4 client to answer the question, so long as it
5 does not divulge classified or law enforcement
6 privileged information or deliberative process.

7 A. I think it would depend on if
8 it was in the context of violence or some
9 physical activity or depending on connections
10 they have with others. Those would be types of
11 factors that I think would be considered.

12 BY MS. KRISHNAN:

13 Q. So if support for Hamas didn't
14 entail violence or similar --

15 MS. SAFAVI: Objection. I couldn't
16 hear. I'm sorry.

17 BY MS. KRISHNAN:

18 Q. The question that I began was:
19 If support for Hamas didn't entail violence or
20 similar physical activity, would it constitute
21 a threat to Homeland Security?

22 MS. SAFAVI: Objection. Form. And
23 it calls -- and privilege. But I'll instruct
24 my client to answer the question, so long as it
25 does not divulge privileged information.

1 A. I don't know.

2 BY MS. KRISHNAN:

3 Q. Has the Office of Intelligence
4 investigated people who express support for
5 Hamas?

6 MS. SAFAVI: Objection. Form.

7 A. Can you say that again?

8 BY MS. KRISHNAN:

9 Q. Has the Office of Intelligence
10 investigated people who express support for
11 Hamas?

12 A. What do you mean by
13 "investigate"?

14 Q. I think you've used the term
15 investigate.

16 A. The Office of Intelligence does
17 not conduct investigations.

18 Q. It conducts only analysis. And
19 how does --

20 A. That's correct.

21 Q. Sorry. I should have let you
22 answer first.

23 How does analysis relate to
24 investigations conducted by his?

25 A. Analysis is fact-finding

1 research that is provided to an investigator to
2 make a determination on whether something meets
3 the -- whether activities meet the evidence of
4 a crime.

5 Q. You mentioned that "analysis is
6 fact-finding research that is provided to an
7 investigator."

8 Where would that investigator sit
9 within his?

10 A. Could be anywhere.

11 Q. Could you provide some examples
12 of other parts of his that conduct
13 investigations that the Office of Analysis
14 would provide its analysis and research to?

15 A. Some examples would be National
16 Security Division all the way to a case agent
17 in a field office in one of our domestic
18 offices.

19 Q. Does the destination of
20 research and analysis produced by the Office of
21 Intelligence depend on the basis for the
22 investigation?

23 MS. SAFAVI: Objection. Form.

24 A. Can you clarify?

25 BY MS. KRISHNAN

1 Q. Does the destination of
2 research and analysis produced by the Office of
3 Intelligence depend on the subject of that
4 research and analysis?

5 MS. SAFAVI: Objection. Form.

6 A. What do you mean by "subject"?

7 BY MS. KRISHNAN:

8 Q. How does the Office of
9 Intelligence decide where to refer its analysis
10 and research?

11 A. It depends on location often or
12 program.

13 Q. Let's start with location.
14 When you say, "location," do you mean the
15 location of the individual that is the subject
16 of the research and analysis?

17 A. It could be the location of
18 the -- current location of the person. Could
19 be where the criminal activity or suspected
20 criminal activity took place.

21 Q. You also mentioned that it
22 could depend on program. What -- what do you
23 mean by "program"?

24 A. If it's a human trafficking
25 investigation and usually we will refer that to

1 the Center for Countering Human Trafficking as
2 the program lead for his human trafficking
3 investigations.

4 Q. You mentioned that how the
5 Office of Intelligence decides where to refer
6 its research and analysis may depend on
7 location or program.

8 Are there any other things it could
9 depend on?

10 A. Yes.

11 Q. What are those things?

12 MS. SAFAVI: Objection. Privilege.
13 I'm going to instruct my client to answer the
14 question to the extent it doesn't divulge
15 privileged or classified information.

16 A. Okay. If there was an existing
17 open case we could refer it to that -- to those
18 investigators that can help the case.

19 BY MS. KRISHNAN:

20 Q. Any other relevant factors?

21 A. Not that I can think of.

22 Q. What does collections do within
23 the Office of Intelligence?

24 A. That's our office that liaisons
25 with the National Intelligence Community.

1 Q. When you say "National
2 Intelligence Community," to what are you
3 referring?

4 MS. SAFAVI: Objection. I'm going to
5 instruct my client to answer the question to
6 the extent that it does not divulge law
7 enforcement privilege or classified
8 information.

9 A. The members -- the member
10 agencies that make up the Intelligence
11 Community.

12 BY MS. KRISHNAN:

13 Q. Is the State Department part of
14 the National Intelligence Community?

15 A. Part of the State Department is
16 part of the National Intelligence Community.

17 Q. Which part of the State
18 Department?

19 MS. SAFAVI: Objection. I'm going to
20 instruct my client to answer the question to
21 the extent that it does not divulge law
22 enforcement privilege.

23 BY MS. KRISHNAN:

24 Q. I hadn't finished my question,
25 but --

1 MS. SAFAVI: Okay. Sorry.

2 BY MS. KRISHNAN:

3 Q. Which part -- I imagine you
4 will object to this, but which part of the
5 State Department is part of the National
6 Intelligence Community.

7 MS. SAFAVI: Objection. I'm going to
8 instruct my client to answer the question to
9 the extent that it does not divulge classified
10 or law enforcement privilege.

11 A. The intelligence unit.

12 BY MS. KRISHNAN:

13 Q. What is the name of the State
14 Department's Intelligence unit?

15 MS. SAFAVI: Standing objection.

16 A. I don't remember the exact
17 name.

18 BY MS. KRISHNAN:

19 Q. So the liaison -- is the
20 liaison -- collections liaison with the
21 National Intelligence Community, Clement Avery.

22 A. Yes.

23 THE COURT REPORTER: I'm sorry. The
24 end of that was --

25 MS. KRISHNAN: Clement Avery.

1 A. Yes.

2 BY MS. KRISHNAN:

3 Q. What does emergency management
4 do?

5 A. That's the unit that responds
6 to or coordinates ICE's response to manmade and
7 natural, national disasters.

8 Q. Going back to the State
9 Department's Intelligence unit, what are the
10 names of its leadership?

11 A. I don't know. I'm sorry.

12 MS. SAFAVI: No, it's okay. Standing
13 objection with the instruction of answer the
14 question to the extent that it doesn't divulge
15 classified or privileged information.

16 BY MS. KRISHNAN:

17 Q. Is there a unit within the
18 Office of Intelligence called the Counter
19 Terrorism Intelligence unit?

20 A. Yes.

21 Q. Where inside the Office of
22 Intelligence does that unit sit?

23 A. Analysis.

24 Q. When was this unit created?

25 MS. SAFAVI: Objection. Objection to

1 relevance. You can answer the question.

2 A. Two years ago, approximately.
3 Maybe.

4 BY MS. KRISHNAN:

5 Q. What was the unit created in
6 response to?

7 A. A --

8 MS. SAFAVI: Objection. I'm sorry.
9 I need a moment, if that's okay. Objection.
10 Law enforcement privilege, and I'm going to
11 instruct my client to answer the question so
12 long as it does not divulge that privilege or
13 classified information.

14 A. It was created in response to a
15 particular threat against the United States.

16 BY MS. KRISHNAN:

17 Q. What was that threat?

18 MS. SAFAVI: Objection. Standing
19 objection and standard instruction.

20 A. A terrorism related threat to
21 national security.

22 BY MS. KRISHNAN:

23 Q. What is the unit's current
24 mission?

25 A. Analyzing threats to national

1 security and Homeland Security, that's it.

2 Q. What does the unit do to
3 support that mission?

4 MS. SAFAVI: Standing objection. I'm
5 going to instruct my client to answer to the
6 extent it does not divulge classified or law
7 enforcement privilege and deliberative process
8 privilege.

9 A. Analyzing any individuals who
10 threaten national security or Homeland Security
11 or suspected of threatening national security
12 or Homeland security.

13 BY MS. KRISHNAN:

14 Q. Does it conduct research and
15 analysis on such individuals?

16 A. Yes.

17 Q. Does it do anything other than
18 research and analysis to support it's mission?

19 A. Yes.

20 Q. Does it conduct investigations?

21 A. No.

22 Q. What does it do besides
23 research analysis?

24 MS. SAFAVI: Objection. Asked and
25 answered. You can answer the question.

1 A. Attends meetings, works with
2 other agencies, does training, things like
3 that.

4 BY MS. KRISHNAN:

5 Q. Which agencies does it most
6 regularly meet with?

7 MS. SAFAVI: Objection. Form.

8 A. It could meet with anybody, but
9 DHS, Customs and Border Protection.

10 BY MS. KRISHNAN:

11 Q. Does it typically meet with the
12 State Department?

13 A. No.

14 Q. To your knowledge, have
15 employees within the counter terrorism
16 intelligence unit met with employee of the
17 State Department this year?

18 A. I don't know.

19 Q. Prior to 2025, did the unit
20 prepare research and analysis on noncitizens?

21 MS. SAFAVI: Objection. Form.

22 A. What do you mean by
23 "noncitizens"?

24 BY MS. KRISHNAN:

25 Q. People who are not U.S.

1 citizens who live inside of the U.S.?

2 A. Yes.

3 Q. For what purpose did the unit
4 prepare research analysis on noncitizens?

5 MS. SAFAVI: Standing objection with
6 standard instruction.

7 A. Analyzing threats to national
8 security and Homeland Security.

9 BY MS. KRISHNAN:

10 Q. Does it currently prepare
11 research and analysis on noncitizens for any
12 other reason?

13 MS. SAFAVI: Objection. Standing
14 objection and the standard instruction.

15 A. What do you mean by "any other
16 reason"?

17 BY MS. KRISHNAN:

18 Q. So earlier you said that, "The
19 unit prepared research and analysis on
20 noncitizens to analyze threats to national
21 security and Homeland Security."

22 And my question is: Does the unit
23 prepare research and analysis on noncitizens
24 for any other reason?

25 MS. SAFAVI: And objection. The

1 standing objection about privilege. The
2 standard instruction.

3 A. Sometimes they're called on to
4 help other -- other analysts with other
5 threats, so maybe.

6 BY MS. KRISHNAN:

7 Q. What other threats?

8 MS. SAFAVI: Objection. Standing
9 objection.

10 A. So, for example, if there was a
11 human trafficking network and the workload was
12 getting too big for the analysts that are
13 assigned, I might use that unit to get help.

14 BY MS. KRISHNAN:

15 Q. Who oversees the unit?

16 A. The unit chief.

17 Q. What is the name of the unit
18 chief?

19 A. Roy Stanley.

20 Q. So Mr. Stanley is the chief of
21 the counter intelligence unit but he is also
22 the chief of analysis?

23 MS. SAFAVI: Objection. Form.

24 BY MS. KRISHNAN:

25 Q. Is it the same Roy Stanley?

1 A. It's the same Roy Stanley.

2 Q. And who reports to Mr. Stanley?

3 A. He has section chiefs that
4 report to him and analysts within the unit.

5 Q. How many section chiefs report
6 to him?

7 A. I don't know.

8 Q. What are the names of the
9 sections?

10 A. I don't know.

11 Q. What is the function of each of
12 those sections?

13 MS. SAFAVI: Objection. Standing
14 objection and standard instruction.

15 A. Like I said, to analyze threats
16 to Homeland Security and national security.
17 The sections just divide up the workload.

18 BY MS. KRISHNAN:

19 Q. You've mentioned threats to
20 national security and threats to Homeland
21 Security.

22 What is the difference between threats
23 to national security and threats to Homeland
24 Security?

25 A. National security is --

1 includes things like counter terrorism,
2 espionage. Homeland Security is really
3 everything else.

4 Q. What does everything else mean
5 within the context of his?

6 A. So a transnational criminal
7 organization like the Mexican cartel could be
8 a -- is a threat to Homeland Security in that
9 they conduct operations in the homeland and
10 national security in that they could impact the
11 United States as a whole versus (inaudible)
12 community. They're almost interchangeable
13 terms.

14 Q. What other threats to Homeland
15 Security exist?

16 A. Weapons trafficking, human
17 smuggling, exploitation of children, drug
18 smuggling. I'm sure there's others but, fraud,
19 money laundering.

20 Q. So when does a foreign student
21 pose a threat to national security?

22 MS. SAFAVI: Objection. Form.

23 A. I don't know. In general
24 terms, I don't know.

25 BY MS. KRISHNAN:

1 Q. If a foreign student expresses
2 support for a foreign terrorist organization
3 like Hamas, do they pose a threat to national
4 security?

5 MS. SAFAVI: Objection. Form.

6 A. It depends on the context.

7 BY MS. KRISHNAN:

8 Q. If that foreign student has not
9 been engaged in any violent or criminal
10 activity, but they have expressed support for
11 Hamas, does that foreign student pose a threat
12 to national security?

13 MS. SAFAVI: Objection. Form.

14 A. I don't know.

15 BY MS. KRISHNAN:

16 Q. When does a foreign student
17 pose a threat to Homeland Security?

18 A. I don't know.

19 Q. If a foreign student -- in what
20 circumstances -- sorry. Withdrawn.

21 In what circumstances might a foreign
22 student who has not engaged in criminal or
23 violent activity pose a threat to Homeland
24 Security?

25 A. I would be speculating.

1 Q. Does a foreign student who is
2 engaged in what the Office of Intelligence --
3 I'm sorry. Withdrawn.

4 Does a foreign student who is engaged
5 in anti-Semitic activity pose a threat to
6 Homeland Security?

7 MS. SAFAVI: Objection. Form.

8 A. What do you mean by
9 "anti-Semitic".

10 BY MS. KRISHNAN:

11 Q. What do you understand anti --
12 anti-Semitic activity?

13 A. I don't define anti-Semitic
14 activity.

15 Q. Is it your testimony that you
16 don't have any understanding of what
17 anti-Semitic activity means?

18 MS. SAFAVI: Objection.
19 Mischaracterization of his testimony. Object
20 to form.

21 MS. KRISHNAN: I was asking him what
22 his testimony meant.

23 BY MS. KRISHNAN:

24 Q. Do you have any understanding
25 of what anti-Semitism is?

1 A. Yes.

2 Q. What is your understanding of
3 anti-Semitism?

4 A. I don't define it.

5 MS. KRISHNAN: I would like to take a
6 brief break now.

7 MS. CONLON: Can we have 15 minutes?

8 THE VIDEOGRAPHER: The time is 11:12
9 and we are off the record.

10 (A break was taken at 11:13 a.m.)

11 THE VIDEOGRAPHER: The time is 11:48
12 and we're back on the record.

13 BY MS. KRISHNAN:

14 Q. Prior to 2025, did his
15 investigate Visa holders?

16 A. Yes.

17 Q. What did his investigate --

18 THE COURT REPORTER: I'm sorry what
19 did his --

20 MS. KRISHNAN: Investigate them for.

21 MS. SAFAVI: Objection. Standing
22 objection and with the instruction that you can
23 answer so long as it does not disclose
24 privileged or (inaudible) information.

25 A. Any criminal activity conducted

1 by a person who holds a Visa.

2 BY MS. KRISHNAN:

3 Q. Did his, prior to 2025,
4 investigate Visa holders for any activity other
5 than criminal activity.

6 MS. SAFAVI: Objection. Same
7 objection. But you can answer.

8 A. Not that I know of.

9 BY MS. KRISHNAN:

10 Q. Did it investigate whether Visa
11 holders are engaged in activity that is
12 inconsistent with their Visa?

13 MS. SAFAVI: I'm sorry. I didn't
14 hear.

15 BY MS. KRISHNAN:

16 Q. Prior to 2025, did his
17 investigate whether Visa holders are engaged in
18 activity that is inconsistent with their Visa?

19 MS. SAFAVI: Objection. Form.

20 A. What do you mean by
21 "inconsistent with their Visa"?

22 BY MS. KRISHNAN:

23 Q. Did it investigate whether Visa
24 holders are in compliance with the terms of
25 their Visa?

1 A. Yes.

2 Q. Even when they were not
3 suspected of engaging in criminal activity?

4 MS. SAFAVI: Objection. Form.

5 A. Can you clarify?

6 BY MS. KRISHNAN:

7 Q. Did it investigate whether Visa
8 holders are in compliance with the terms of
9 their Visa when there was no reason to believe
10 that they were engaged in criminal activity?

11 A. I don't know.

12 Q. Did it investigate whether Visa
13 holders had overstayed their Visa?

14 A. Yes.

15 Q. Did it investigate Visa holders
16 for working unlawfully in the country?

17 A. Yes.

18 Q. Did it investigate student Visa
19 holders based on their advocacy?

20 MS. SAFAVI: Objection. Form.

21 A. Can you clarify "advocacy"?

22 BY MS. KRISHNAN:

23 Q. Did it investigate student Visa
24 holders based on their participation in
25 political protests?

1 MS. SAFAVI: Objection. Form.

2 A. What do you mean by "political
3 protest"?

4 BY MS. KRISHNAN:

5 Q. What do you understand
6 political protest to mean?

7 A. Can you rephrase the first
8 question?

9 Q. Mm-hmm. I'm asking prior to
10 2025, did his investigate student Visa holders
11 because of their attendance at a political
12 protest?

13 A. I don't know.

14 Q. Prior to 2025, did his
15 investigate student Visa holders for leading a
16 political group?

17 A. I don't know.

18 Q. Have you ever been involved in
19 the investigation of a foreign student who is
20 engaged in political protests during your time
21 at his?

22 A. No.

23 Q. What is the Office of
24 Intelligence's role when his decides to
25 investigate the Visa holder?

1 MS. SAFAVI: Objection. Asked and
2 answered.

3 BY MS. KRISHNAN:

4 Q. You can still answer.

5 A. Research and analysis of the
6 individual in support of the investigation.

7 BY MS. KRISHNAN:

8 Q. Does the Office of Intelligence
9 prepare a report of analysis only if requested
10 to in support of an existing investigation?

11 A. No.

12 MS. SAFAVI: Objection -- I'm sorry.
13 Objection. Form, and the standing objection
14 about privilege.

15 A. No.

16 BY MS. KRISHNAN:

17 Q. So to confirm, the only
18 circumstance in which the Office of
19 Intelligence prepares a report of analysis is
20 when it is being asked to in support of an
21 investigation -- existing investigation.

22 A. No.

23 Q. So what are the other
24 circumstances in which the Office of
25 Intelligence prepares the report of analysis?

1 MS. SAFAVI: Objection. Standing --
2 the standing objection on privilege law
3 enforcement and deliberative and I'll instruct
4 my client to answer to the extent that he can
5 without divulging that information.

6 BY MS. KRISHNAN:

7 Q. I'll repeat my question.

8 What are the other circumstances in
9 which the Office of Intelligence prepares the
10 report of analysis?

11 A. Existing investigation,
12 suspicious activity. When asked to by the
13 (inaudible) programs or someone -- and agent in
14 his.

15 Q. So let's start with an existing
16 investigation. What other parts of his might
17 ask the Office of Intelligence to prepare a
18 report of analysis in support of an existing
19 investigation?

20 MS. SAFAVI: Objection. Standing
21 objection and same instructions.

22 A. In support of an existing
23 investigation in which most cases come from the
24 investigator or any of the investigators
25 involved in that investigation or any of the

1 supervisors involved in that investigation.

2 BY MS. KRISHNAN:

3 Q. What are the other cases?

4 A. If there wasn't an open
5 investigation, we could get asked to look into
6 an individual by any agent that suspected
7 criminal activity.

8 Q. Where do investigators sit
9 within his?

10 MS. SAFAVI: Objection. Form.

11 A. You got to be more specific.
12 Everywhere.

13 BY MS. KRISHNAN:

14 Q. Which parts of his most
15 regularly ask the Office of Intelligence to
16 produce a report of analysis in support of an
17 existing investigation?

18 MS. SAFAVI: Objection. And standing
19 objection and standard instruction.

20 A. The programs, the investigative
21 programs.

22 BY MS. KRISHNAN:

23 Q. Where do the investigative
24 programs reside within his?

25 MS. SAFAVI: Standing objection and

1 standard instruction.

2 A. In D.C., National Capital
3 region, sorry.

4 BY MS. KRISHNAN:

5 Q. Which part of his do these
6 investigative programs exist within?

7 MS. SAFAVI: Same objection.

8 A. The investigative programs are
9 how his divides itself.

10 BY MS. KRISHNAN:

11 Q. So when you say "investigative
12 programs," you mean analysis, for example?

13 A. No. Analysis is a division --
14 sorry, analysis is a division within the Office
15 of Intelligence. Investigative programs are
16 divisions within his.

17 Q. Such as the National Security
18 Division?

19 A. Correct.

20 Q. And what other divisions do
21 investigator programs seeks within?

22 MS. SAFAVI: Same objection, standard
23 instruction.

24 A. Domestic operations,
25 international operations, countering

1 transnational organized crime, National
2 Security Division and computer and operational
3 technology division and global trade
4 investigations division.

5 BY MS. KRISHNAN:

6 Q. Does the Office of Intelligence
7 prepare reports of analysis on what you called
8 OES suspicious activity?

9 A. Yes.

10 Q. What do you mean by the term
11 "suspicious activity"?

12 MS. SAFAVI: Standing objection. I'm
13 going to instruct my client that to the extent
14 this calls for privileged or classified
15 information, that you not disclose that.

16 A. Suspicion of violating U.S.
17 laws.

18 BY MS. KRISHNAN:

19 Q. U.S. criminal laws or other
20 laws as well?

21 MS. SAFAVI: Objection. Form.

22 A. What do you mean by "other
23 laws"?

24 BY MS. KRISHNAN:

25 Q. As an example, violations of

1 immigration law that are not criminal in
2 nature?

3 MS. SAFAVI: Objection. Form. Can
4 you, please, repeat the entire question?

5 BY MS. KRISHNAN:

6 Q. If he's unsure of what a
7 question means he is briefed, he can feel free
8 to clarify with me, but that's for him to do.

9 MS. SAFAVI: As counsel, I need to be
10 clear on what your question is.

11 BY MS. KRISHNAN:

12 Q. You used the term suspicious
13 activity, and I'm just trying to understand
14 whether that term, as you used it, entails any
15 activity that is not criminal in nature?

16 A. Can you give me an example of
17 an activity that's not criminal in nature?

18 Q. I'm not -- I'm not asking you
19 to define suspicious activity in the abstract.

20 You mentioned that one circumstance in
21 which the Office of Intelligence prepares a
22 report of analysis is where there is suspicious
23 activity. And I'm just trying to understand
24 what "suspicious activity" means in that
25 context?

1 A. The context is violations of
2 law.

3 Q. Does that include violations of
4 law that exist outside of Title 18 of the U.S.
5 code?

6 A. Can you say the title again?

7 Q. Title 18 of the U.S. code.

8 A. Yes.

9 Q. What provisions do you have in
10 mind?

11 A. Title 8.

12 Q. Does that mean that the Office
13 of Intelligence prepares reports of analysis
14 where a Visa holder is suspected of being
15 inadmissible within the meaning of Title 8?

16 MS. SAFAVI: Objection. Form.

17 A. Can you repeat that?

18 BY MS. KRISHNAN:

19 Q. Does that mean that the Office
20 of Intelligence prepares reports of analysis
21 where a Visa holder is suspected of being
22 inadmissible within the meaning of Title 8?

23 A. We would do reports of analysis
24 for the -- all of Title 8.

25 Q. Does the office -- withdrawn.

1 Does that mean that the Office of Intelligence
2 also produces reports where a Visa holder is
3 suspected of being removable within the meaning
4 of Title 8?

5 MS. SAFAVI: Standard objection.
6 Standard instruction.

7 A. Yes.

8 BY MS. KRISHNAN:

9 Q. If the Office of Intelligence
10 decides the Visa should be revoked, what action
11 does it take?

12 MS. SAFAVI: I'm sorry I couldn't
13 hear. Can you repeat the question?

14 BY MS. KRISHNAN:

15 Q. If the Office of Intelligence
16 decides the Visa should be revoked, what action
17 does it take.

18 MS. SAFAVI: Objection. Form and
19 mischaracterization of testimony and facts.

20 MS. KRISHNAN: I'm not trying to
21 characterize testimony.

22 MS. SAFAVI: Okay. Objection. Form.

23 A. The -- say it one more time?

24 BY MS. KRISHNAN:

25 Q. If the Office of Intelligence

1 decides a Visa should be revoked, what action
2 does it take?

3 A. The Office of Intelligence does
4 not decide, it doesn't make that decision.

5 Q. Who makes that decision?

6 A. People other than the Office of
7 Intelligence.

8 Q. Do you know who those people
9 are?

10 A. Yes.

11 Q. Who are those people?

12 A. The State Department. I don't
13 know the individuals.

14 Q. Any other people outside of the
15 State Department?

16 A. Not that I know of.

17 Q. And I know you said that you
18 don't know the names of any people, but within
19 the State Department, is there a particular
20 office or program or bureau that you know to be
21 responsible for revoking Visas?

22 A. No, I don't know.

23 Q. Where do requests to research
24 and analyze Visa holders in relation to Title 8
25 come from?

1 MS. SAFAVI: Objection. Form.

2 A. Say that one more time, please.

3 BY MS. KRISHNAN:

4 Q. Where do requests for the
5 Office of Intelligence to research and analyze
6 Visa holders in relation to Title 8 come from?

7 A. Other -- the program lead, my
8 supervisors.

9 Q. When you say, "your
10 supervisors" who are you referring to?

11 A. The deputy executive associate
12 director of his, the executive associate
13 director of his, their staff.

14 Q. I believe you told me the names
15 of one of those people before, but can you tell
16 me the names of both the deputy executive
17 associate director of his and the executive
18 associate director of his?

19 A. The executive associate
20 director of his is Tony Salisbury.

21 Q. Tony Salsburg?

22 A. Salisbury.

23 Q. Salisbury. Okay. And the
24 other individual?

25 A. Derek Gordon.

1 Q. Derek Gordon. You said that
2 requests also come from program leads. To whom
3 are you referring there?

4 A. NSD, National Security
5 Division.

6 Q. Is there any other part of his
7 from which you would receive a request to
8 research or analyze the Visa holder in relation
9 to Title 8?

10 MS. SAFAVI: Objection. Form.

11 A. You're asking me to say where
12 they could come from.

13 BY MS. KRISHNAN:

14 Q. Where have they come from?

15 A. Can you give me a time frame?

16 Q. During your tenure at his.

17 A. Just to look into a Visa
18 holder, it could come from any investigator.

19 Q. Do requests to produce reports
20 of analysis, ever come from outside --
21 withdrawn.

22 Do requests to research and analyze
23 Visa holders in relation to Title 8 ever come
24 from outside of his?

25 MS. SAFAVI: Objection. Form.

1 A. Can you be more specific on
2 "outside of"?

3 BY MS. KRISHNAN:

4 Q. Let's start with within the
5 Department of Homeland Security?

6 A. Yes.

7 Q. What other parts of depart- of
8 DHS would such requests come from?

9 A. The Border Czar -- sorry -- the
10 question. The Office of the Border Czar.

11 THE COURT REPORTER: I'm sorry. The
12 what?

13 A. The Office of the Border Czar,
14 the Office of Secretary, the Office of
15 Intelligence and Analysis and potentially the
16 Office of the Counter Terrorism coordinator --
17 no, that's not -- let me correct that. The
18 Office of Policy.

19 BY MS. KRISHNAN:

20 Q. Is the Office of Intelligence
21 and Analysis different from the Office of
22 Intelligence that you --

23 A. Yes.

24 Q. -- lead?

25 A. Yes.

1 Q. Do requests to research and
2 analyze Visa holders in relation to Title 8
3 come from the State Department in any
4 circumstance?

5 MS. SAFAVI: Objection. Form.

6 A. Can you be more specific? Can
7 you clarify?

8 BY MS. KRISHNAN:

9 Q. Do you not -- you don't
10 understand my question?

11 A. It could be 20 years -- can you
12 narrow the time frame, so I can answer it.

13 Q. Unless I specify -- withdrawn.
14 During the several years that you've been at
15 his, have any requests to research and analyze
16 Visa holders in relation to Title 8 come from
17 the State Department?

18 A. I don't know.

19 Q. What about this year?

20 A. I don't think so. Not that I
21 know of.

22 Q. Who would know?

23 A. National Security Division.

24 Q. Are there circumstances in
25 which the National Security Division asked the

1 Office of Intelligence to research and analyze
2 Visa holders because it has been requested to
3 investigate that Visa holder --

4 MS. SAFAVI: Objection --

5 MS. KRISHNAN: -- by somebody outside
6 of his?

7 MS. SAFAVI: Objection. Form.

8 A. I don't know.

9 BY MS. KRISHNAN:

10 Q. Would NSD tell you if another
11 agency had requested that his research and
12 analyze the Visa holder?

13 A. Not necessarily.

14 Q. Have they ever told you that
15 another agency has requested that his research
16 and analyze a Visa holder?

17 A. Yes.

18 Q. When has that happened?

19 A. Two years ago.

20 Q. Has it happened since?

21 A. No.

22 Q. In that case, what was the Visa
23 holder being researched and analyzed for?

24 MS. SAFAVI: Objection. Standing
25 objection. I'll instruct my client to answer

1 to the extent it doesn't disclose privileged or
2 classified information.

3 A. Suspected of being linked to a
4 terrorist organization.

5 BY MS. KRISHNAN:

6 Q. Was that terrorist organization
7 Hamas?

8 MS. SAFAVI: Objection. Relevance.
9 Objection. Relevance, and standing objection.

10 A. The identity of the group would
11 be at a minimum law enforcement sensitive and
12 probably classified.

13 BY MS. KRISHNAN:

14 Q. Prior to 2025, did his ever
15 request the revocation of a noncitizen's Visa?

16 MS. SAFAVI: Objection. Form.

17 A. I don't know if I can answer
18 that. Not to my knowledge.

19 MS. SAFAVI: Objection.

20 BY MS. KRISHNAN:

21 Q. Prior to 2025, did his ever
22 recommend the revocation of a noncitizen's
23 Visa?

24 MS. SAFAVI: Objection. Form and
25 calls for speculation.

1 BY MS. KRISHNAN:

2 Q. To your knowledge?

3 A. I don't know the answer.

4 Q. Who would know?

5 A. For Visas, National Security
6 Division or any agent involved in that case.

7 Q. Prior to 2025, and I'm asking
8 during your tenure, did his ever refer a case
9 involving a Visa holder to the State
10 Department?

11 MS. SAFAVI: Objection. Calls for
12 speculation.

13 BY MS. KRISHNAN:

14 Q. You still have to answer to the
15 extent you can.

16 A. I don't know.

17 BY MS. KRISHNAN:

18 Q. Who would know?

19 A. The agents involved in that
20 specific case.

21 Q. To your knowledge, has his ever
22 recommended the revocation of a noncitizen's
23 Visa?

24 MS. SAFAVI: Objection. Calls for
25 speculation.

1 A. It's not my part of his. I
2 don't know.

3 BY MS. KRISHNAN:

4 Q. So when the Office of
5 Intelligence prepares a report of analysis,
6 what does it do with that report?

7 A. Provides it to the agent.

8 Q. And if the -- if that agent or
9 whoever -- which ever other part of his
10 requested that report takes some action, is the
11 Office of Intelligence notified of that action?

12 A. Not necessarily.

13 Q. Is it notified of that action
14 in any case?

15 A. The -- not the -- the analyst
16 involved may be aware of it, the agent is not
17 required to tell the analyst what the
18 operational outcome is or what the operational
19 decision is.

20 Q. If the agent decides to
21 recommend the revocation of a Visa based on a
22 report of analysis created by the Office of
23 Intelligence, would it notify the office in
24 some way of that recommendation?

25 MS. SAFAVI: Objection. Form.

1 BY MS. KRISHNAN:

2 Q. I'm just trying to understand
3 in the typical case where the Office of
4 Intelligence prepares a report of analysis, is
5 it the case that it sends that report to the
6 agent or the National Security Division or
7 whatever part of his it might be, and then it
8 never hears back, or does it usually hear what
9 the outcome of the investigation is?

10 A. In most cases, we would not
11 hear of the outcome directly from the agent
12 involved.

13 For example, we might hear of the arrest
14 from its inclusion in a daily briefing or in
15 some sort of operational reporting.

16 Q. Since the beginning -- since
17 the beginning of 2025, has the Office of
18 Intelligence been notified of arrests made
19 based on reports of intelligence it has
20 produced?

21 MS. SAFAVI: Objection. Form.

22 A. Can you clarify "notified"?

23 BY MS. KRISHNAN:

24 Q. Been informed of.

25 A. Yes.

1 Q. In what circumstances has it
2 been informed of arrests made based on reports
3 of analysis the office has produced?

4 A. On several occasions when an
5 arrest was made in a Fentanyl case in a human
6 smuggling case.

7 Q. Has it been informed of any
8 arrests made of foreign students this year?

9 A. Yes, to the -- yes.

10 Q. How has it been informed of
11 arrests made of foreign students this year that
12 have been based on reports of analysis?

13 A. As in discussions with
14 operational leadership and senior leadership of
15 his.

16 Q. Who are you referring to when
17 you say "senior leadership"?

18 A. The division -- the
19 investigative division leaders that I mention
20 and senior leadership of his that I told you.

21 Q. So this would include Tony
22 Salisbury and Derek Gordon?

23 A. Derek Gordon.

24 Q. Anyone else from senior
25 leadership?

1 A. The assistant director of
2 operations.

3 Q. What is their name?

4 A. William Walker.

5 Q. Anyone else?

6 A. That's it. National Security
7 Division, Andre Watson.

8 Q. Who is operational leadership?

9 A. William Walker.

10 Q. When did these discussions take
11 place?

12 A. Daily.

13 Q. When did they stop?

14 A. We have operational
15 coordination meetings --

16 THE COURT REPORTER: I'm sorry. We
17 have operational coordination -- please keep
18 your voice up.

19 A. We have operational
20 coordination and senior leadership meetings
21 ever since I got there.

22 BY MS. KRISHNAN:

23 Q. When did mention of arrest of
24 foreign students start at these meetings?

25 A. If there was an arrest of a

1 foreign student it could be mentioned at any of
2 the meetings at any time since I got there.

3 Q. Do you recall occasions where
4 arrests of foreign students were made at these
5 meetings last year?

6 A. Yes.

7 Q. In those cases, why was the
8 foreign student arrested?

9 MS. SAFAVI: Objection. Calls for
10 speculation and standing objection regarding
11 privileged information, and I'm going to
12 instruct my client to answer to the extent it
13 doesn't disclose privilege or classified
14 information.

15 A. They were involved in criminal
16 activity.

17 BY MS. KRISHNAN:

18 Q. Have any of these discussions
19 involved -- withdrawn.

20 Have any of these discussions addressed
21 the arrest of foreign students who were not
22 involved in criminal activity?

23 MS. SAFAVI: Objection. Form.

24 A. What do you mean by arresting
25 someone who is not engaged in -- not suspected

1 of criminal activity.

2 BY MS. KRISHNAN:

3 Q. Can a foreign student be
4 arrested by his -- withdrawn.

5 Can a foreign student be arrested by
6 ICE in circumstances where they have violated
7 no criminal law?

8 MS. SAFAVI: Objection. Form.

9 A. You're asking me to speculate.

10 BY MS. KRISHNAN:

11 Q. Are you aware of any
12 circumstance this year where a foreign student
13 has been arrested by ICE where that student has
14 not violated criminal law?

15 A. Not to my knowledge.

16 Q. Prior to 2025, did his
17 investigate lawful permanent residents?

18 A. Yes.

19 Q. Did his investigate them only
20 for suspected violations of criminal law?

21 MS. SAFAVI: I'm sorry. Can you
22 repeat that I couldn't hear it.

23 BY MS. KRISHNAN:

24 Q. It might be my accent. Did his
25 investigate lawful permanent residents only for

1 suspected violations of criminal law?

2 A. Yes, to the best of my
3 knowledge. Yes.

4 Q. What was the Office of
5 Intelligence's role in these investigations?

6 A. Providing research and
7 analysis.

8 Q. Prior to 2025, did his ever
9 refer a case involving a lawful permanent
10 resident to the State Department?

11 MS. SAFAVI: Objection. Calls for
12 speculation.

13 BY MS. KRISHNAN:

14 Q. Are you aware of any case prior
15 to 2025 where his referred a case involving a
16 lawful permanent resident to the State
17 Department?

18 A. I'm not aware.

19 Q. Are you aware of any case prior
20 to 2025 where his requested a determination by
21 the State Department that the activities or
22 presence of the lawful permanent resident had
23 potentially adverse policy consequences?

24 A. I'm not aware.

25 Q. Are you aware of any case prior

1 to 2025 where his shed information with the
2 State Department so that the department could
3 consider whether to make such a determination?

4 A. I'm not aware.

5 Q. Do reports of analysis ever
6 contain recommendations?

7 MS. SAFAVI: Objection. Standing
8 objection. I'm going to instruct my client to
9 answer to the extent that it doesn't divulge
10 privilege.

11 A. Can you clarify
12 "recommendations"?

13 BY MS. KRISHNAN:

14 Q. Have you ever seen a report of
15 analysis that contains a recommendation that a
16 Visa holder had their Visa revoked?

17 A. No.

18 Q. Have you ever seen a report of
19 analysis that makes a recommendation that a
20 lawful permanent resident be removed?

21 A. No.

22 Q. Have you ever seen a report of
23 analysis that requests the State Department to
24 revoke the Visa of a Visa holder?

25 A. No.

1 Q. Have you ever seen a report of
2 analysis that contains a request that the State
3 Department determine that that person poses
4 foreign policy concerns?

5 A. No.

6 Q. Within the Office of
7 Intelligence, is there a different group of
8 people who work on Visa holders as opposed to
9 lawful permanent residents?

10 MS. SAFAVI: Objection. Form.

11 A. Say it again, please?

12 BY MS. KRISHNAN:

13 Q. Within the Office of
14 Intelligence, is there a different group of
15 people that work on Visa holders as opposed to
16 lawful permanent residents?

17 A. No.

18 Q. Who in the Office of
19 Intelligence generates a report of analysis?

20 A. Any analyst.

21 THE WITNESS: The horn was a good
22 effect.

23 MS. KRISHNAN: Oh. Ok. I didn't
24 realize I'd made a joke, but I'm always happy
25 when people are laughing.

1 BY MS. KRISHNAN:

2 Q. What is a report of analysis?

3 A. It's a document produced by
4 analysts that records the research and analysis
5 they make.

6 Q. For what purpose is the report
7 of analysis created?

8 A. It documents and is the record
9 of the research analysts.

10 Q. What is your understanding of
11 how the report of analysis is used?

12 MS. SAFAVI: Objection. Form.

13 A. Can you rephrase that?

14 BY MS. KRISHNAN:

15 Q. What is your understanding of
16 how a report of analysis gets used?

17 A. It's used to inform the agent
18 of a research analysis.

19 Q. In what circumstances would --
20 withdrawn.

21 What is in a typical report of
22 analysis?

23 MS. SAFAVI: Standing objection.
24 Standard instruction.

25 A. There are several types of

1 reports of analyses. They include the report
2 on a individual and then others report
3 different characteristics of a network.

4 BY MS. KRISHNAN:

5 Q. Would a report of analysis --
6 withdrawn.

7 In addition to individuals and
8 characteristics of a network, would a report of
9 analysis ever address a group?

10 MS. SAFAVI: Objection. Relevance.
11 Objection. Form.

12 A. What do you mean by "group"?

13 BY MS. KRISHNAN:

14 Q. Just the ordinary meaning of
15 group.

16 A. A report -- like I said before,
17 reports of analysis are written on criminals,
18 criminal conspiracies, network criminal
19 conspiracies would involve groups, criminal
20 networks would involve groups.

21 Q. Would a report of analysis --
22 withdrawn.

23 Do reports of analysis ever address a
24 category or cause of activities?

25 MS. SAFAVI: Objection. Form.

1 A. Can you be more specific?

2 BY MS. KRISHNAN:

3 Q. Would a report of analysis ever
4 address support for Hamas outside of addressing
5 a specific individual.

6 A. The report of analysis could be
7 written about any group of people involved or
8 suspected of being involved in criminal
9 activities.

10 Q. What about activities that are
11 contrary to an executive order?

12 MS. SAFAVI: Objection. Form.

13 A. I don't understand the
14 question.

15 BY MS. KRISHNAN:

16 Q. For reports analysis on an
17 individual and noncitizen, would the report of
18 analysis include that subject's history inside
19 of the U.S.?

20 A. Yes.

21 Q. Would it include biographical
22 information?

23 A. Yes.

24 Q. Would it include that person's
25 immigration history?

1 A. Yes.

2 Q. Would it include other factual
3 information about the activities that they
4 engaged in in the U.S.?

5 MS. SAFAVI: Standard -- I'm sorry.
6 Standing objection and standard instructions.

7 A. Yes.

8 BY MS. KRISHNAN:

9 Q. In addition to that factual
10 information, does the report of analysis
11 include any conclusions?

12 MS. SAFAVI: Objection. Asked and
13 answered and standing objection. Standard
14 instruction.

15 A. No.

16 BY MS. KRISHNAN:

17 Q. Does the report of analysis
18 include the analyst's opinion?

19 A. No.

20 Q. In other words, a report of
21 analysis is just a summary of factual
22 information?

23 A. Not a summary, it's factual
24 information.

25 Q. A report of analysis doesn't

1 include anything other than factual
2 information?

3 A. Correct. Yes.

4 Q. Does a report of analysis
5 include the underlying materials that the
6 analyst reviewed to produce that report?

7 MS. SAFAVI: Standing objection.
8 Standard instruction.

9 A. The report of analysis will
10 reference source materials.

11 BY MS. KRISHNAN:

12 Q. Does it append those source
13 materials?

14 A. Sometimes.

15 Q. In most cases?

16 A. In most cases they will -- the
17 analyst will either append testimony or they
18 will reference them and include them in their
19 analytical file.

20 Q. Where are analytical files
21 stored?

22 A. In HSI's knowledge management
23 system.

24 Q. What is that knowledge
25 management system called?

1 MS. SAFAVI: Objection. Standing
2 objection and standard instruction.

3 A. I don't remember what the
4 acronym stands for, but the acronym is RAVEN.

5 BY MS. KRISHNAN:

6 Q. Does the office -- withdrawn.
7 Do analysts apply any policies or guidance in
8 compiling a report of analysis?

9 MS. SAFAVI: Objection. Form.

10 A. Can you clarify "guidance", I
11 guess?

12 BY MS. KRISHNAN:

13 Q. Are there any guidelines that
14 an analyst consults to produce a report of
15 analysis?

16 A. Yes.

17 Q. Where are those guidelines?

18 MS. SAFAVI: Objection. Form.

19 A. Can you rephrase?

20 BY MS. KRISHNAN:

21 Q. You said that there are
22 guidelines that an analyst consults to produce
23 the report of analysis, and my question is
24 where -- where are those guidelines located; is
25 it a manual, handbook, something else?

1 A. We have a handbook and trade
2 craft guides for how to conduct a criminal
3 analysis which includes (inaudible).

4 Q. What is that handbook called?

5 A. The his handbook for criminal
6 analysis.

7 Q. And what is the trade craft
8 guide called?

9 A. The trade craft guides are --
10 there's multiple, how to conduct -- conduct
11 currency analysis, supply chain analysis, the
12 role of an analyst in a law enforcement
13 interview, and some others.

14 Q. Do these guidelines address the
15 review of open source information?

16 MS. SAFAVI: Objection. Form.

17 A. What do you mean by "discuss"?

18 BY MS. KRISHNAN:

19 Q. Do they impose -- withdrawn.
20 Do they establish any procedures for engaging
21 in review of open source materials?

22 A. Yes.

23 Q. Do they establish any
24 procedures for engaging in review of social
25 media?

1 A. Yes.

2 Q. Have these guidelines been
3 updated this year?

4 A. Those particular ones, no.

5 Q. Have any portions of the
6 guidelines addressing reports of analysis been
7 updated this year?

8 A. No.

9 Q. When does the Office of
10 Intelligence compile a report of analysis on a
11 lawful permanent resident?

12 MS. SAFAVI: Objection. Asked and
13 answered.

14 MS. KRISHNAN: I believe I asked
15 about a Visa holder last time.

16 A. When there's suspicion of
17 criminal activity.

18 BY MS. KRISHNAN:

19 Q. Does the Office of
20 Intelligence -- withdrawn.

21 Who has to sign off on a report of
22 analysis?

23 A. An analyst supervisor.

24 Q. Do you ever have to sign off on
25 a report of analysis?

1 A. No.

2 Q. Does Brad Etter ever have to
3 sign off on a report of analysis?

4 A. No.

5 Q. Do you review reports of
6 analysis before they are referred outside of
7 the Office of Intelligence?

8 A. Not as a -- no.

9 Q. Never?

10 A. Define "review", please?

11 Q. Read.

12 A. Do I read reports of analysis;
13 yes.

14 Q. Have you ever read a report --
15 withdrawn.

16 Have you read a report of analysis this
17 year addressing a foreign student?

18 A. Yes.

19 Q. Have you read a report of
20 analysis this year addressing a student
21 protester?

22 A. Yes.

23 Q. How many reports did you read
24 this year addressing student protesters?

25 A. Dozens.

1 Q. And where were those reports
2 referred?

3 A. Where were they referred?

4 Q. Mm-hmm.

5 A. Some were referred to National
6 Security Division.

7 Q. Where else would they --

8 A. Others weren't referred at all.

9 Q. So who makes the decision
10 whether to refer a report of analysis?

11 A. The case agent or the agent
12 assigned to the -- to conduct a review, the
13 program review.

14 Q. Is the case agent assigned to
15 conduct a review inside or outside of the
16 Office of Intelligence?

17 A. Outside.

18 Q. In what circumstances would a
19 case agent decide not to refer a report of
20 analysis?

21 MS. SAFAVI: Standing objection and
22 standard instruction.

23 A. If the information in the
24 report of analysis was not -- didn't show the
25 elements of crime.

1 BY MS. KRISHNAN:

2 Q. So it's your testimony that a
3 case agent would not refer a report of
4 analysis, if it didn't show the elements of a
5 crime?

6 MS. SAFAVI: Objection. Form.

7 A. Can you rephrase -- can --
8 yeah, can you rephrase it?

9 BY MS. KRISHNAN:

10 Q. I'm trying to understand when a
11 report of analysis would be referred and when
12 it would not.

13 And you said one circumstance in which
14 a case agent would decide not to refer report
15 of analysis is if the information in the report
16 of analysis didn't show the elements of a
17 crime.

18 I'm trying to -- are there any other
19 circumstances where a case agent would decide
20 not to refer a report of analysis?

21 MS. SAFAVI: Standing objection and
22 standard -- standard instruction.

23 A. So, for example, if the
24 agent -- if the analyst was asked to look into
25 a suspicion of child exploitation and for

1 the -- for the division -- for the
2 investigative division that handles child
3 exploitation cases, and they found no
4 indication of child exploitation, then the ROA
5 cannot be referred. That's an example.

6 BY MS. KRISHNAN:

7 Q. When did you start seeing
8 reports of analysis on student protesters?

9 MS. SAFAVI: Objection. Form.

10 A. One more time?

11 BY MS. KRISHNAN:

12 Q. Did you start seeing reports of
13 analysis on student protesters this year?

14 MS. SAFAVI: Objection. Form.

15 A. I may have seen ROA's on
16 student protestors.

17 THE COURT REPORTER: You may have
18 seen --

19 A. I may have seen ROAs or report
20 of analysis on student protesters years -- in
21 the past -- before.

22 BY MS. KRISHNAN:

23 Q. Can you recall any specific
24 instance?

25 A. I cannot.

1 Q. But did you start seeing --
2 withdrawn.

3 You mentioned that you've seen dozens
4 of reports of analysis on student protesters
5 this year.

6 Did you see that influx in March?

7 MS. SAFAVI: Objection. Form.

8 A. I don't know when I started
9 seeing them this year.

10 BY MS. KRISHNAN:

11 Q. What's an approximation?

12 A. 2025.

13 Q. Did the influx start before
14 January 20th of 2025?

15 A. No.

16 Q. Where did the request of
17 reports of analysis on student protesters come
18 from?

19 A. His (inaudible).

20 Q. Sorry to make you do this
21 again, but I am going to make you be specific.
22 Who specifically in his?

23 A. The deputy, Derek Gordon.

24 Q. In those conversations, were
25 you told the reason for the request?

1 MS. SAFAVI: Objection. Calls for
2 hearsay.

3 A. Yes, I have to speculate.

4 BY MS. KRISHNAN:

5 Q. Let me clarify. Why were you
6 asked to produce reports of analysis on student
7 protesters?

8 A. I have to speculate.

9 Q. Did the reports -- withdrawn.

10 How many of the reports of analysis on
11 student protesters that you reviewed include
12 allegations that the student committed criminal
13 activity?

14 MS. SAFAVI: Objection. Standing
15 objection. Standard instruction.

16 A. None include allegations.

17 THE COURT REPORTER: Many you said?

18 A. None.

19 THE COURT REPORTER: Keep your voice
20 up, please.

21 BY MS. KRISHNAN:

22 Q. How many -- and this is -- I'm
23 just asking for an approximation, not a precise
24 number, but how many of these reports of
25 analysis on student protesters related to Title

1 8?

2 MS. SAFAVI: Objection. Calls for
3 speculation.

4 A. I can't give the exact number.
5 I don't know the exact number.

6 BY MS. KRISHNAN:

7 Q. Did any of them?

8 A. Yes.

9 Q. How many of these -- withdrawn.
10 Did any of these reports of analysis refer to
11 U.S. foreign policy or foreign policy concerns?

12 A. No.

13 Q. Did any of these reports of
14 analysis refer to anti-Semitism or anti-Semitic
15 activity?

16 MS. SAFAVI: Objection. Form.

17 A. Can you define or clarify
18 "refer"?

19 BY MS. KRISHNAN:

20 Q. Mention.

21 A. Can you repeat the question?

22 Q. Did any of these reports of
23 analysis mention anti-Semitism or anti-Semitic
24 activity?

25 A. I don't know if they mentioned

1 anti-Semitism or anti-Semitic in any of them.

2 I don't recall reading those words.

3 Q. Do you recall whether any of
4 these reports of analysis on student protesters
5 referred to support for Hamas?

6 MS. SAFAVI: Standing objection and
7 standard instruction.

8 A. Yes.

9 BY MS. KRISHNAN:

10 Q. How many of them,
11 approximately, referred to support from Hamas?

12 A. I don't know.

13 Q. Do you recall whether any of
14 these reports of analysis on student protesters
15 mentioned the terms "Israel or Palestine"?

16 A. Yes.

17 Q. I'm going to ask you for an
18 approximation again. How many of them,
19 approximately, mentioned Israel and Palestine?

20 A. I don't know.

21 Q. Five -- withdrawn. More than
22 five?

23 A. Yes.

24 THE COURT REPORTER: You said, yes?

25 A. (Witness nodded head.)

1 BY MS. KRISHNAN:

2 Q. More than 10.

3 A. Yes.

4 Q. More than 20?

5 A. I would say greater than 50
6 percent.

7 Q. So this would be greater than
8 50 percent of dozens you said earlier?

9 A. Yes.

10 Q. And when you say "dozens"
11 what's a ballpark figure?

12 A. Approximately, 100.

13 Q. Do you recall whether any of
14 these reports of analysis on student protesters
15 mentioned the term hostile environment?

16 A. I don't recall.

17 Q. Do you recall whether any of
18 these reports of analysis on student protesters
19 referred to Executive Order 14161 titled:
20 Protecting the U.S. From Foreign Terrorists and
21 Other National Security and Public Safety
22 Threats?

23 A. No.

24 Q. Do you recall whether any of
25 these reports of analysis on student protesters

1 mentioned the Executive Order 14188, Additional
2 Measures to Combat Anti-Semitism?

3 A. No.

4 MS. SAFAVI: Can I ask when did you
5 want to break for lunch?

6 MS. KRISHNAN: Would now be a good
7 time for you?

8 MS. SAFAVI: Now would be nice.
9 Would now be a good time for you?

10 THE WITNESS: Sure.

11 THE VIDEOGRAPHER: Time is 13:07 and
12 we are off the record.

13 (A break was taken at 1:08 p.m.)

14 THE VIDEOGRAPHER: The time is 14:15
15 and we're back on the record.

16 BY MS. KRISHNAN:

17 Q. And so, Mr. Hatch, before the
18 break, we were talking about reports of
19 analysis on student protesters that you have
20 read this year. And you said that more than 50
21 percent of those reports mentioned Israel or
22 Palestine.

23 And my question is: Is it more than 60
24 percent?

25 A. I don't know. Best I can say

1 is more than 50 percent.

2 Q. Did you know all of them
3 mention Israel or Palestine?

4 A. I'm not sure. You're saying --
5 just to clarify, you're saying "Israel and
6 Palestine."

7 Q. Israel or.

8 A. So Israel or Palestine,
9 probably most.

10 Q. Who asked for those reports to
11 be compiled?

12 A. I take my direction from HSI
13 leadership, the folks that I mentioned.

14 Q. Okay. And did you receive a
15 request to compile these reports from anyone
16 other than Mr. Gordon in HSI leadership?

17 A. I take my tasking from -- from
18 my boss.

19 Q. And have you received -- just
20 trying to be comprehensive here.

21 Have you received a request to produce
22 a report of analysis on student protesters from
23 anyone outside of HSI leadership?

24 A. I have not.

25 Q. In your conversations with Mr.

1 Gordon -- I withdraw that.

2 When Mr. Gordon requested these reports
3 of analysis on student protesters, what reason
4 did he give to you?

5 MS. SAFAVI: Objection. Calls for
6 hearsay.

7 THE WITNESS: Yeah.

8 BY MS. KRISHNAN:

9 Q. Maybe I can clarify.

10 A. All right.

11 Q. Unless -- unless if you want to
12 answer, answer.

13 A. Go ahead, clarify, please.

14 Q. What did he ask you to report
15 and analyze about these student protesters?

16 MS. SAFAVI: Objection. Standing
17 objection and standard instruction about law
18 enforcement privilege and other privileges.

19 A. The general guidance was look
20 at the protesters and find out research and
21 analysis to -- about any suspicious criminal
22 activity.

23 BY MS. KRISHNAN:

24 Q. Did he ask you to report and
25 analyze the student and protesters for any

1 reason other than suspicious criminal activity?

2 MS. SAFAVI: Standing objection and
3 standard instruction.

4 A. No, the context is always
5 suspicious criminal activity.

6 BY MS. KRISHNAN:

7 Q. What kinds of criminal
8 activity?

9 MS. SAFAVI: Standing objection and
10 standard instruction.

11 A. Violence, obstruction, any --
12 any kind of physical violence, any Title 8
13 activity, any fraud, any --

14 BY MS. KRISHNAN:

15 Q. Were the requests that you
16 received from Mr. Gordon to report and analyze
17 student protesters reduced to writing?

18 A. Can you say that again, please?

19 Q. Were Mr. Gordon's requests to
20 compile reports of analysis on student
21 protesters, were these requests put in writing?

22 A. No, it would be verbal.

23 Q. Was anyone else present when he
24 requested these reports of analysis?

25 A. Yes.

1 Q. Who else was present?

2 A. The assistant director of
3 operations, Wynn Walker; assistant director of
4 national security, Ben Watson; and my deputy
5 director --

6 Q. Anyone else?

7 A. Probably, but I don't remember.

8 Q. Was there anyone present who
9 was not from HSI?

10 A. No.

11 Q. You mentioned Title 8 activity.
12 What do you mean by that term?

13 A. So any activity in -- in
14 violation of the Immigration and Naturalization
15 Act.

16 THE COURT REPORTER: Immigration?

17 THE WITNESS: And Naturalization Act.

18 BY MS. KRISHNAN:

19 Q. And when Mr. Gordon asked you
20 to report and analyze student protesters for
21 suspicious criminal activity, did it give you
22 any reason for the focus on student protesters?

23 MS. SAFAVI: Standing objection and
24 standard instruction.

25 A. No. He wouldn't have to --

1 like, the only instruction he would need to say
2 is -- is you need reports of analysis on
3 these -- on individual protesters to see if
4 there's -- they're involved in suspicious
5 criminal activity.

6 BY MS. KRISHNAN:

7 Q. Did he mention any specific
8 provisions of Title 8 in these conversations?

9 A. No, not that I recall.

10 Q. Did he mention support for
11 terrorism in these conversations?

12 MS. SAFAVI: Objection, hearsay, and
13 standing objection on privileges and standard
14 instruction.

15 A. Can you repeat the question?

16 BY MS. KRISHNAN:

17 Q. Did he mention support for
18 terrorism in any of these conversations?

19 A. I don't recall.

20 Q. Did he mention Hamas in any of
21 these conversations?

22 A. Yes.

23 Q. Did he mention anti-Semitic
24 activity in these conversations?

25 MS. SAFAVI: Objection. Form. Also

1 hearsay and standing objection and instruction.

2 A. I don't recall him using the
3 words "anti-Semitic."

4 BY MS. KRISHNAN:

5 Q. Did he mention the word
6 "Israel" or "Palestine" in these conversations?

7 A. Yes.

8 Q. Did he mention any executive
9 order in these conversations?

10 A. I don't recall him mentioning
11 any executive order or a specific executive
12 order.

13 Q. Did any of the reports of
14 analysis on these student protesters make any
15 determination whether they had engaged in Title
16 8 activity?

17 MS. SAFAVI: Standing objection.
18 Standard instruction.

19 A. No.

20 BY MS. KRISHNAN:

21 Q. In these reports of analysis on
22 student protesters, were they assessed
23 against -- withdrawn.

24 Did these reports of analysis on
25 student protesters look at or address whether

1 there was any ground for removing them?

2 A. No.

3 Q. Did these reports of analysis
4 on student protesters address whether there was
5 any ground for revoking a Visa?

6 MS. SAFAVI: Objection. Form.

7 A. Can you clarify "grounds"?

8 BY MS. KRISHNAN:

9 Q. Any -- any basis? Any basis
10 for revoking a Visa.

11 A. "Basis" implies they made a
12 judgment. So no.

13 Q. I did not mean to imply that
14 there would have to be a judgment.

15 Did these reports of analysis compile
16 information that was relevant to whether there
17 was any ground for revoking a Visa?

18 A. Yes.

19 Q. Did these reports of analysis
20 specify any grounds for revoking a Visa?

21 MS. SAFAVI: Objection. Form.

22 A. Can you rephrase that?

23 BY MS. KRISHNAN:

24 Q. Did these reports of analysis
25 include information that is relevant to whether

1 there is any ground for revoking a Visa?

2 A. Yes.

3 Q. Did these reports of analysis
4 identify any potential grounds for revoking a
5 Visa?

6 A. Yes.

7 Q. What grounds were those?

8 MS. SAFAVI: Standing objection.
9 Standard instruction.

10 A. I recall one ROA describing a
11 protester assaulting someone.

12 BY MS. KRISHNAN:

13 Q. What other grounds were
14 mentioned in other reports?

15 MS. SAFAVI: Standing objection.
16 Standard instruction.

17 A. The -- there's one, obstructing
18 or impeding students from getting to a job
19 fair.

20 BY MS. KRISHNAN:

21 Q. Any others?

22 A. I'd have to review the ROAs, I
23 don't recall the --

24 Q. Did any --

25 A. -- other circumstances.

1 Q. Did any of these reports of
2 analysis identify a student's writing as a
3 potential ground for revocation?

4 MS. SAFAVI: Objection. Form.

5 A. Can you rephrase?

6 BY MS. KRISHNAN:

7 Q. Did any of the reports of
8 analysis on student protesters identify a
9 student's writing as a possible ground for
10 revoking that person's Visa?

11 MS. SAFAVI: Objection. Form.

12 A. The ROAs describe the facts of
13 what the analyst found. The analyst doesn't
14 make a determination on whether or not that is
15 grounds for a Visa revocation.

16 BY MS. KRISHNAN:

17 Q. That's helpful.

18 Do -- do any of the reports of analysis
19 on student protesters, that you recall, mention
20 a student's writing?

21 MS. SAFAVI: Objection. Form.

22 A. So what do you mean by
23 "writing"?

24 BY MS. KRISHNAN:

25 Q. A piece that is being published

1 to the internet.

2 A. Yes.

3 Q. Did any of these reports of
4 analysis mention a student protester's social
5 media?

6 A. Yes.

7 Q. Did any of these reports of
8 analysis mention a student protester's
9 association with a student group?

10 MS. SAFAVI: Standing -- objection.
11 Form. And standing objection and instruction.

12 A. Could you be more specific, or
13 rephrase?

14 BY MS. KRISHNAN:

15 Q. Did any of these reports of
16 analysis mention a student protester's
17 membership of a student group?

18 A. Yes.

19 Q. Did any of these reports of
20 analysis mention a student protester's public
21 statements?

22 A. Yes.

23 Q. Did any of these reports of
24 analysis on student protesters mention their
25 role as a negotiator or spokesperson for a

1 group?

2 MS. SAFAVI: Objection. Form.

3 A. Can you repeat the question?

4 BY MS. KRISHNAN:

5 Q. Did any of these reports of
6 analysis on student protesters mention the
7 protester's role as a negotiator or
8 spokesperson for the group?

9 MS. SAFAVI: Objection. Form.

10 A. I don't recall.

11 BY MS. KRISHNAN:

12 Q. Do you recall whether any of
13 these reports of analysis on student protesters
14 mentioned Students for Justice in Palestine?

15 THE COURT REPORTER: Mention
16 Students?

17 MS. KRISHNAN: For Justice in
18 Palestine.

19 THE WITNESS: Yes.

20 BY MS. KRISHNAN:

21 Q. Do you recall whether any of
22 these reports of analysis mentioned faculty and
23 staff for justice of Palestine?

24 A. No, I don't recall.

25 Q. I should go back. So I asked

1 whether you recalled whether the reports of
2 analysis mentioned Students For Justice in
3 Palestine?

4 Did they mention Students For Justice
5 in Palestine?

6 A. Yes.

7 Q. Did any of the reports for
8 analysis mention Jewish Voice for Peace?

9 A. I don't know.

10 Q. Did any of the reports of
11 analysis mention Columbia University Apartheid
12 Divest?

13 A. I don't know.

14 Q. Did any of the reports of
15 analysis mention Columbia University?

16 A. Yes.

17 Q. Do you recall approximately how
18 many of the reports of analysis on student
19 protesters mentioned Columbia University?

20 A. I don't know.

21 Q. More than five?

22 A. I would say yes.

23 Q. More than a dozen?

24 A. I don't know.

25 Q. You mentioned there being

1 dozens of a reports of analysis on student
2 protesters, 20 percent?

3 A. I don't know.

4 Q. Did any of the reports of
5 analysis mention the student protesters'
6 support for Palestine?

7 A. I don't know.

8 Q. Did any of them mention the
9 term "pro-Palestinian"?

10 A. I would have to review the
11 ROAs, but I don't remember pro-Palestinian
12 being a term.

13 Q. Did any of the reports of
14 analysis mention criticism of Israel?

15 MS. SAFAVI: Objection. Form.

16 A. Can you be more specific?

17 BY MS. KRISHNAN:

18 Q. Did any of them mention the
19 term "anti-Israel"?

20 A. I don't know.

21 Q. Did any of them mention the war
22 in Gaza?

23 A. Yes.

24 Q. Did any of them mention calling
25 for a free Palestine?

1 A. I don't know.

2 Q. Did any of them mention support
3 for Boycott, Divestment and Sanctions,
4 otherwise known as BDS?

5 A. I don't know.

6 Q. Did any of them mention
7 institutional divestment for Israel?

8 A. I don't know.

9 Q. Did any of them mention the
10 phrase "from the river to the sea Palestine
11 will be free"?

12 A. Yes.

13 Q. Did any of them mention the
14 phrase "Intifada Revolution"?

15 THE COURT REPORTER: Say it again.
16 Oh, okay.

17 BY MS. KRISHNAN:

18 Q. Did any of them mention the
19 phrase "Intifada Revolution"?

20 A. I don't know if they mentioned
21 those words.

22 Q. Did any of them mention
23 denouncing or posing Zionism?

24 A. I don't know.

25 Q. Did any of them mention "coin

1 Israel in apartheid state"?

2 A. I don't know.

3 Q. Did any of them mention calling
4 for a cease fire?

5 A. I don't know.

6 Q. Did any of them mention calling
7 for institutional divestment from Israel?

8 A. I don't know.

9 Q. Did any of them mention
10 limiting military aid to Israel?

11 A. I don't know.

12 Q. What kinds of things about
13 Israel were noted in the reports of analysis?

14 MS. SAFAVI: Standing objection and
15 standard instruction.

16 A. I don't know.

17 BY MS. KRISHNAN:

18 Q. Did any of the reports of
19 analysis mention a student protester's
20 perspective on Israel?

21 MS. SAFAVI: Objection. Form.

22 A. Can you rephrase?

23 BY MS. KRISHNAN:

24 Q. Did any of the reports of
25 analysis mention a student protester's

1 attitudes towards Israel?

2 A. I don't recall.

3 Q. The reports of analysis
4 generally concern students' negative remarks
5 about Israel, right?

6 MS. SAFAVI: Objection. Form.

7 A. Can you rephrase?

8 BY MS. KRISHNAN:

9 Q. Can you recall any report of
10 analysis you've read on student protesters that
11 addresses a student's pro-Israel sentiment?

12 A. No. We did not make
13 assessments on attitudes for a protester's
14 opinions towards Israel.

15 Q. Did any of the reports of
16 analysis address a student protester's
17 criticism of the administration?

18 A. No.

19 Q. Did any of the reports of
20 analysis mention a student's anti-American
21 attitudes?

22 A. No, not that I recall.

23 Q. These conversations where Mr.
24 Gordon asked the Office of Intelligence to
25 research and analyze student protesters, did he

1 provide any specific names?

2 MS. SAFAVI: Objection. Hearsay and
3 standing objection on privilege instruction to
4 answer without divulging privileged
5 information.

6 A. What do you mean by "names"?

7 BY MS. KRISHNAN:

8 Q. Did he provide the names of
9 student protesters that he wanted the Office of
10 Intelligence to research and analyze?

11 A. Yes.

12 Q. Do you know where those names
13 came from?

14 MS. SAFAVI: Objection. Calls for
15 speculation.

16 A. I don't know the names of
17 anyone who provided him names.

18 BY MS. KRISHNAN:

19 Q. Do you know if he received --
20 withdrawn.

21 I know you say that you don't know the
22 names of anyone who provided him names. I'm
23 not asking for names, but do you know whether
24 he got those names from HSI?

25 MS. SAFAVI: Objection. Calls for

1 speculation.

2 A. I'd have to speculate.

3 BY MS. KRISHNAN:

4 Q. Was the State Department
5 mentioned in these conversations?

6 MS. SAFAVI: Objection. Calls for
7 speculation.

8 A. Can you rephrase it?

9 BY MS. KRISHNAN:

10 Q. At these meetings that you had
11 with Mr. Gordon, where you were asked to
12 research and analyze student protesters, did
13 the State Department come up?

14 A. In the context of providing
15 names, I don't ever recall Mr. Gordon
16 mentioning State Department.

17 Q. What about conversations where
18 specific names were provided? So just in any
19 of these conversations that you had with Mr.
20 Gordon about the topic of student protesters,
21 did the State Department come up?

22 A. Yes.

23 Q. Did Mr. Gordon mention the
24 State Department?

25 MS. SAFAVI: Objection. Calls for

1 hearsay.

2 A. Can you rephrase?

3 BY MS. KRISHNAN:

4 Q. Who at these conversations
5 mentioned the State Department?

6 A. At one time or other probably
7 all of us because the State Department was
8 going to make a determination on any
9 revocation.

10 Q. How did you know that the State
11 Department was going to make a determination
12 about Visa revocations about the student
13 protesters?

14 A. I think that was described at
15 one point on what the process was in a
16 conversation with the -- the deputy chief of
17 HOBs, chief NSD.

18 Q. Did this conversation take
19 place in March?

20 A. I think so. I'm not sure on
21 the date.

22 Q. When you say "deputy chief of
23 HOBs," what does HOB stand for?

24 A. Chief of -- the deputy of HSI.
25 The chief of operations or the assistant

1 director operations and the assistant director
2 of National Security Division, I think
3 something got transposed there.

4 Q. And that was Mr. -- is
5 Mr. Watson?

6 A. Correct.

7 Q. And you mentioned that a
8 process was described in this conversation.

9 What was that process?

10 A. Intel does the fact-finding,
11 National Security Division would do the --
12 compile the information to do the letter to
13 State Department, and State Department would
14 make the decision on visas.

15 Q. Who led this meeting?

16 A. The deputy.

17 Q. And this would be the deputy of
18 HSI?

19 A. Yes.

20 Q. Which --

21 A. Mr. Gordon.

22 Q. Thank you.

23 And how long was this meeting?

24 A. I don't recall.

25 Q. At this meeting, was any

1 executive order mentioned?

2 A. I don't think so. I don't
3 recall.

4 Q. Did Mr. Gordon mention the
5 reason for this new process?

6 A. I don't recall.

7 Q. Now, as part of this process,
8 you said that Intel does the fact-finding and
9 then the National Security Division compiles
10 the information and does a letter to the State
11 Department.

12 Does the National Security Division
13 send a letter to the State Department in every
14 case where it receives report of analysis on a
15 student protester?

16 MS. SAFAVI: Objection. Form.

17 A. Can you say that again?

18 BY MS. KRISHNAN:

19 Q. As part of this process that
20 we've been talking about, does the National
21 Security Division send a letter to the State
22 Department in every case where it receives a
23 report of analysis?

24 MS. SAFAVI: Objection. Calls for
25 speculation.

1 A. No.

2 BY MS. KRISHNAN:

3 Q. So how does the National
4 Security Division decide whether to send a
5 letter to the State Department in a given case?

6 MS. SAFAVI: Objection. Calls for
7 speculation.

8 A. I'd have to speculate.

9 BY MS. KRISHNAN:

10 Q. How many reports of analysis on
11 student protesters -- withdrawn.

12 Were all reports of analysis on student
13 protesters referred to the National Security
14 Division as part of this process?

15 MS. SAFAVI: Objection. Form.

16 A. Can you -- yeah, can you repeat
17 or rephrase?

18 BY MS. KRISHNAN:

19 Q. Were all reports of analysis on
20 student protesters referred to the National
21 Security Division as part of this process?

22 A. No.

23 Q. When did the Office of
24 Intelligence refer a report of analysis on a
25 student protester to the National Security

1 Division?

2 MS. SAFAVI: Objection. Form.

3 A. What do you mean by -- time
4 frame or...

5 BY MS. KRISHNAN:

6 Q. Let me clarify.

7 In what circumstances would the Office
8 of Intelligence refer report of analysis on a
9 student protester to the National Security
10 Division?

11 A. When a -- when a report of
12 analysis contained information that may
13 indicate a violation of law.

14 Q. We're talking about Title 8?

15 A. Any -- any violation of law.

16 Q. Okay. So where else have
17 reports of analysis on student protesters been
18 sent other than the National Security Division?

19 MS. SAFAVI: Objection. Form.

20 A. What do you mean by "sent"?

21 BY MS. KRISHNAN:

22 Q. I don't mean it as a term of
23 art. I just mean, in -- you know, when else --
24 oh, sorry.

25 Where else have reports of analysis on

1 student protesters been referred other than the
2 National Security Division?

3 A. The National Security Division
4 is the customer. It goes to them.

5 Q. And what is your understanding
6 of when the National Security Division decides
7 to send a letter to the State Department after
8 a reviewing report of analysis?

9 A. I'd have to speculate.

10 Q. How many -- withdrawn.

11 Do you know if any of the reports of
12 analysis that were referred to the National
13 Security Division resulted in a Visa
14 revocation?

15 MS. SAFAVI: Objection. Speculation.

16 A. I wasn't tracking that.

17 BY MS. KRISHNAN:

18 Q. Was a report of analysis --
19 withdrawn.

20 Did any of the reports of analysis on
21 student protesters that the Office of
22 Intelligence referred to the National Security
23 Division result in a Visa revocation?

24 MS. SAFAVI: Objection. Calls for
25 speculation.

1 A. I wasn't tracking that.

2 BY MS. KRISHNAN:

3 Q. Did any of the reports of
4 analysis on student protesters of the Office of
5 Intelligence referred to the National Security
6 Division result in a determination by the State
7 Department?

8 MS. SAFAVI: Objection. Calls for
9 speculation.

10 A. Again, I wasn't tracking that.

11 BY MS. KRISHNAN:

12 Q. To your knowledge, does the
13 National Security Division assess the report of
14 analysis that is sent to them in any way before
15 sending the letter to the State Department?

16 A. Yes.

17 Q. What did they assess the report
18 of analysis for?

19 MS. SAFAVI: Objection. Calls for
20 speculation and standing objection and standing
21 instruction about privilege.

22 A. I'd have to speculate.

23 BY MS. KRISHNAN:

24 Q. Did the National Security
25 Division update you on any student protester

1 that was a result -- I'm sorry -- that was the
2 subject of a report of analysis as part of this
3 process?

4 A. Not me.

5 BY MS. KRISHNAN:

6 Q. Do you know who was updated?

7 A. The -- the unit chief.

8 THE COURT REPORTER: The --

9 THE WITNESS: I'm sorry. The unit
10 chief.

11 BY MS. KRISHNAN:

12 Q. Anyone else?

13 A. My deputy and -- and then
14 anything else is their role to work.

15 Q. Were any of these updates
16 reduced to writing, to your knowledge?

17 A. No.

18 Q. Did any of these updates occur
19 at meetings?

20 A. Yes.

21 Q. Did your deputy convey the
22 content of any of these updates to you?

23 MS. SAFAVI: Objection. Calls for
24 hearsay.

25 A. Can you rephrase?

1 BY MS. KRISHNAN:

2 Q. Did your deputy communicate the
3 content of any of these updates to you?

4 MS. SAFAVI: Objection. Calls for
5 hearsay.

6 A. Can you rephrase?

7 BY MS. KRISHNAN:

8 Q. You mentioned that your deputy
9 received updates on student protesters that
10 were the subject of a report of analysis as
11 part of this process. And my question is: Did
12 your deputy communicate those updates to you?

13 A. Yes.

14 Q. And what did he say?

15 MS. SAFAVI: Objection. Calls for
16 hearsay.

17 A. I don't recall.

18 BY MS. KRISHNAN:

19 Q. Do you remember any update that
20 he communicated to you?

21 A. Yes.

22 Q. What was the content of the
23 updates that you can recall?

24 A. My deputy updated me on the
25 process, how it was going, workflow, workload

1 of the analysts, things like that.

2 Q. What did he tell you about how
3 the new process was going?

4 MS. SAFAVI: Objection. Calls for
5 hearsay.

6 A. Can you rephrase?

7 BY MS. KRISHNAN:

8 Q. You said that one of the
9 updates that your deputy gave you was on how
10 the process was going.

11 What did your deputy tell you about how
12 the new process was going?

13 MS. SAFAVI: Objection. Calls for
14 hearsay.

15 A. Can you rephrase?

16 BY MS. KRISHNAN:

17 Q. What did he tell you about the
18 process?

19 A. That it was working. Our ways
20 were being -- reports of analysis were being
21 produced, the analysts were able to do the
22 work. Again, that type of stuff.

23 Q. Did he report any difficulties
24 with the new process?

25 A. No.

1 Q. Did he mention any goal for how
2 quickly the reports of analysis needed to be
3 turned around?

4 A. No.

5 Q. Did he mention any objectives
6 for the new process?

7 A. No.

8 Q. Did he provide any reports on
9 whether there was sufficient staffing on the
10 process?

11 MS. SAFAVI: Objection. Form.

12 A. Can you rephrase?

13 BY MS. KRISHNAN:

14 Q. Did he mention any personnel
15 being allocated to support the new process?

16 A. Yes.

17 Q. Allocated from where?

18 A. From the counterterrorism
19 intelligence unit.

20 Q. Anywhere else?

21 A. From other parts of the
22 analysis division of Office of Intel.

23 THE COURT REPORTER: Of?

24 THE WITNESS: Office of Intel.
25 Office of Intelligence.

1 BY MS. KRISHNAN:

2 Q. And how many personnel were
3 reallocated to work on this new process?

4 MS. SAFAVI: Standing objection and
5 standard instruction regarding privileged
6 information.

7 A. More than ten.

8 BY MS. KRISHNAN:

9 Q. And what was the workflow
10 within the Office of Intelligence for this new
11 process?

12 MS. SAFAVI: Objection. Form. And
13 standing objection as to privilege and standard
14 instruction.

15 A. I believe that's deliberative.

16 MS. SAFAVI: Yes.

17 BY MS. KRISHNAN:

18 Q. To clarify, my question is
19 about who was involved in this new workflow
20 rather than the content of any particular case
21 that went through this process.

22 A. Okay.

23 Q. So --

24 MS. SAFAVI: Can we have just a
25 moment, please.

1 Yeah, okay.

2 I'm sorry just because I want to make
3 sure -- can you read or tell me if there's a
4 question pending?

5 MS. KRISHNAN: Yes, there is.

6 MS. SAFAVI: Okay. Can I have it
7 repeated so I know what it is, please?

8 MS. KRISHNAN: Sure. And I started
9 it, I didn't get to finish.

10 MS. SAFAVI: Okay. Okay.

11 MS. KRISHNAN: So I'm still
12 formulating it.

13 MS. SAFAVI: Okay. Well, let me give
14 you that moment and then I'll -- I'll tell you
15 what the objection is.

16 MS. KRISHNAN: Okay.

17 BY MS. KRISHNAN:

18 Q. So I said, to clarify, my
19 question is about who was involved in the new
20 workflow rather than the content of any
21 particular case that went through this process.

22 So who within the Office of
23 Intelligence worked on this new process?

24 MS. SAFAVI: Okay. So objection.

25 Call for classified information, and so I would

1 instruct my client to answer the question to
2 the extent that it would not reveal classified
3 information.

4 MS. KRISHNAN: And just to clarify,
5 the iden- -- my -- my question is about the
6 identities of these people.

7 MS. SAFAVI: Yes, and our objection
8 is it is classified.

9 MS. KRISHNAN: Okay.

10 BY MS. KRISHNAN:

11 Q. Can you answer the question to
12 the extent it's not classified?

13 A. Investigative analysts are
14 assigned to the process.

15 Q. Who supervises the process
16 within the Office of Intelligence?

17 MS. SAFAVI: Objection. Classified.
18 So I would instruct you to answer the
19 question in a way that it does not divulge
20 classified information.

21 A. Section chiefs supervise
22 analysts. Unit chiefs -- a unit chief
23 supervises the section chiefs. Division chief
24 supervises the unit chief. The deputy
25 supervises the division chiefs. I supervise

1 the deputy.

2
3 (Off-the-record discussion was held at
4 3:15 p.m.)
5

6 BY MS. KRISHNAN:

7 Q. You mentioned that Mr. Gordon
8 provided names of student protesters that
9 should be researched and analyzed.

10 Were all of these names given at once
11 or were they given on a rolling basis?

12 A. Rolling basis.

13 Q. What is your understanding
14 about why the request to research and analyze
15 student protesters increased this year?

16 A. Calls for speculation. I'd
17 have to speculate.

18 Q. Okay. Even if it's
19 speculative, what is your understanding?

20 A. I don't want to speculate. I
21 don't want to speculate on why.

22 Q. Do you have any information on
23 why the Office of Intelligence was being
24 asked -- withdrawn.

25 Do you have any information on why the

1 number of student protesters the Office of
2 Intelligence was being asked to research and
3 analyze increase this year?

4 A. The number of protests
5 increased this year.

6 Q. Protests about Israel and
7 Palestine?

8 A. Correct.

9 Q. To your knowledge, did the
10 Office of Intelligence receive request to
11 research and analyze students involved in
12 protests about Israel and Palestine before this
13 year?

14 MS. SAFAVI: Objection. Form.

15 A. Can you rephrase?

16 BY MS. KRISHNAN:

17 Q. To your knowledge, did the
18 Office of Intelligence receive requests to
19 research and analyze students involved in
20 protests about Israel and Palestine before this
21 year?

22 A. No.

23 Q. Did you receive any explanation
24 for why the Office of Intelligence --
25 withdrawn.

1 Did you receive any explanation for why
2 the Office of Intelligence was now being asked
3 to research and analyze students involved in
4 protests about Israel and Palestine this year?

5 A. I did not receive any
6 information why.

7 Q. Are you familiar with Executive
8 Order 14161 protecting the United States from
9 foreign terrorists and other national security
10 and public safety threats?

11 A. Do you have a copy?

12 Q. I'd be happy to provide you
13 with one, but before I do, are you familiar
14 with it? If you don't know, you can say that.

15 A. Can you define "familiar"?

16 Q. Have you heard of it?

17 A. Yes.

18 MS. KRISHNAN: I'm going to mark this
19 as Exhibit 1.

20 (Exhibit 1 was marked.)

21 MS. SAFAVI: I'm sorry. Can you
22 clarify, since I'm legally blind, what Bates
23 stamp number does this have in terms
24 of discovery?

25 MS. KRISHNAN: Oh, it -- it doesn't

1 have a Bates stamp number.

2 MS. SAFAVI: No Bates stamp. Oh,
3 okay. Can I have just a moment, please, since
4 I just -- since I can't see it? I just want to
5 make sure I -- I know what this document is.

6 MS. CONLON: Sure.

7 Can we go off the record while you --

8 MS. SAFAVI: Yeah.

9 THE VIDEOGRAPHER: Time is 15:20 and
10 we are off the record.

11 (A break was taken at 3:20 p.m.)

12 THE VIDEOGRAPHER: The time is 15:31.
13 We're back on the record.

14 BY MS. KRISHNAN:

15 Q. Do you understand the document
16 marked Exhibit 1 to be Executive Order 14161?

17 A. Yes.

18 Q. And how did you become aware of
19 this order?

20 MS. SAFAVI: Objection. Foundation
21 needs to be laid for this document.

22 MS. KRISHNAN: I don't think I have
23 to lay a foundation, so it's fine.

24 MS. SAFAVI: Okay.

25 BY MS. KRISHNAN:

1 Q. How did you become aware of the
2 order?

3 A. I think I read every executive
4 order when they -- when it was published --
5 when they were published.

6 Q. Did you receive any
7 notification of this order from within DHS?

8 A. No.

9 Q. Do you understand DHS to have
10 any role in implementing or enforcing this
11 order?

12 THE COURT REPORTER: Implementing or?

13 MS. KRISHNAN: Enforcing.

14 THE WITNESS: Can you clarify what
15 you mean by "DHS"?

16 BY MS. KRISHNAN:

17 Q. Do you understand ICE to have a
18 role in implementing this order?

19 A. Yes.

20 Q. What is that role?

21 A. It's my understanding that
22 everything in this order addresses issues
23 already in Title 8 and ICE has the function of
24 enforcing those laws.

25 Q. Can you look -- withdrawn.

1 I'm going to read part of the order and
2 you're free to read it after me to check I have
3 quoted it accurately. The Section 2(a)
4 states --

5 MS. SAFAVI: Can you give us the
6 quotation?

7 MS. KRISHNAN: It starts about
8 halfway down the first page.

9 MS. SAFAVI: Okay.

10 BY MS. KRISHNAN:

11 Q. 2(a) states: [As read] "The
12 Secretary of State in coordination with the
13 Attorney General, the Secretary of Homeland
14 Security, and the Director of National
15 Intelligence shall promptly" -- now I'm reading
16 from Subparagraph, [As read] "vet and screen to
17 the maximum degree possible all aliens who
18 intend to be admitted, enter, or are already
19 inside the United States."

20 Is HSI involved in vetting and
21 screening admitted noncitizens pursuant to this
22 directive?

23 MS. SAFAVI: Objection. Form.

24 A. Can you rephrase?

25 BY MS. KRISHNAN:

1 Q. Do you not understand my
2 question?

3 MS. SAFAVI: Oh -- and, actually, I
4 have an objection.

5 Do you mind reading the complete
6 sentence and the last phrase that you are
7 reading?

8 MS. KRISHNAN: You're more than
9 welcome to read the Section 2(a), Subparagraph
10 (iv).

11 A. Okay.

12 BY MS. KRISHNAN:

13 Q. So my question is: Is HSI
14 involved in vetting and screening admitted
15 noncitizens pursuant to this directive?

16 MS. SAFAVI: Objection. Form.

17 A. Can you rephrase?

18 BY MS. KRISHNAN:

19 Q. Did you not understand my
20 question?

21 A. The terms "vet" and "screen"
22 have different connotations.

23 Q. What does "vet" mean?

24 A. So can you repeat the question?

25 Q. Uh-huh. Yeah. I mean, I think

1 part of the problem is I'm -- I'm taking that
2 term from the -- so I can't clarify because I'm
3 trying to find out what they mean.

4 But -- what does "vet" mean to you?

5 A. I'm trying to call -- recall
6 the definition and I have a blank. Vetting is
7 typically determining whether an individual can
8 enter the United States.

9 You just asked me about vetting, right?

10 Q. Yes.

11 A. Okay.

12 Q. And I bet you know what I'm
13 going to ask you next. What does "screen"
14 mean?

15 A. "Screen" is when you're looking
16 at an individual to see if there's any
17 derogatory information about that individual.

18 Q. Okay. So I can see now why my
19 question was confusing.

20 All right. And is HSI involved in
21 screening admitted noncitizens pursuant to
22 Section 2(a) of this E.O.?

23 MS. SAFAVI: Objection. Calls for
24 speculation.

25 A. I can't -- I can't speculate on

1 the intent of the executive order.

2 BY MS. KRISHNAN:

3 Q. I -- I'm not -- to be clear,
4 I'm not asking you to speak to the intent of
5 the order. My question is: If HSI is
6 screening admitted noncitizens pursuant to this
7 instruction to vet and screen to the maximum
8 degree possible?

9 MS. SAFAVI: Objection. Calls for
10 speculation.

11 A. HSI has been screening
12 individuals since its existence.

13 BY MS. KRISHNAN:

14 Q. Paragraph 1(b) states -- and
15 I'm quoting -- and this is just above the
16 halfway mark of the page. Quote, [As read]
17 "The United States" -- withdrawn.

18 I'm going to do multiple sentence.
19 Quote, [As read] "And the United States must
20 ensure that admitted aliens and aliens
21 otherwise already present in the United States
22 do not bear hostile attitudes towards citizens,
23 culture, Government, institutions, or founding
24 principles, and do not advocate for, aid, or
25 support designated foreign terrorists and other

1 threats to our national security."

2 Is HSI screening admitted noncitizens
3 for advocacy for and support of foreign
4 terrorist organizations?

5 MS. SAFAVI: Objection. Speculation.

6 A. Can you rephrase?

7 BY MS. KRISHNAN:

8 Q. Is HSI screening admitted
9 noncitizens for advocacy for and support of
10 foreign terrorist organizations?

11 MS. SAFAVI: Objection. Speculation.

12 A. Can you be more specific in the
13 question?

14 BY MS. KRISHNAN:

15 Q. I -- I'm using -- and I'm sure
16 you can appreciate this, but I am taking terms
17 from the executive order. So my question is
18 about HSI's involvement in the implementation
19 of this executive order.

20 This executive order says that, [As
21 read] "The United States must ensure that
22 admitted aliens do not advocate for, aid, or
23 support designated foreign terrorists."
24 So my question is: Is HSI screening admitted
25 noncitizens for advocacy for and support of

1 designated foreign terrorists?

2 A. Yes.

3 Go ahead. Do you have another question?

4 MS. CONLON: Oh, sorry. I thought
5 you weren't done.

6 MS. KRISHNAN: Were you done? I
7 didn't mean to cut you off.

8 A. I'm done.

9 BY MS. KRISHNAN:

10 Q. Does HSI screen admitted
11 noncitizens for advocacy for and support of
12 Hamas?

13 MS. SAFAVI: Objection. Form and
14 speculation.

15 A. It's my understanding that
16 Hamas is a designated foreign terrorist
17 organization.

18 BY MS. KRISHNAN:

19 Q. And to your knowledge, is HSI
20 screening admitted noncitizens for advocacy for
21 and support of designated foreign terrorist
22 organizations such as Hamas?

23 A. Yes.

24 Q. Is HSI screening admitted
25 noncitizens to ensure that admitted --

1 withdrawn.

2 Is HSI screening to ensure that
3 admitted noncitizens do not bear hostile
4 attitudes towards America's citizens, culture,
5 Government, institutions, or founding
6 principles?

7 MS. SAFAVI: Objection. Speculation.

8 A. It's my understanding that all
9 of these are included in Title 8 and HSI has
10 been doing this since its existence.

11 BY MS. KRISHNAN:

12 Q. Which part of Title 8 addresses
13 hostile attitudes towards American citizens,
14 culture, Government, institutions or founding
15 principles.

16 MS. SAFAVI: Objection. Calls for a
17 legal conclusion.

18 BY MS. KRISHNAN:

19 Q. Well, you said that in your
20 understanding all of these are included in
21 Title 8, and so I just want to know which part
22 of Title 8.

23 A. Well, it's my general
24 understanding that all of them are included in
25 Title 8. I do not have Title 8 memorized and

1 I'm not a lawyer.

2 Q. Have you been told that all of
3 these things fall within Title 8?

4 A. No.

5 Q. Does HSI screen admitted
6 noncitizens for anti-Semitic activity?

7 MS. SAFAVI: Objection. Form. Calls
8 for speculation.

9 A. Not to my knowledge.

10 BY MS. KRISHNAN:

11 Q. Has HSI coordinated with the
12 State Department to screen admitted
13 noncitizens?

14 A. Not to my knowledge. Sorry.

15 MS. SAFAVI: That's okay. Objection.
16 Speculation.

17 BY MS. KRISHNAN:

18 Q. Are reports of analysis used as
19 part of ICE's screening process?

20 A. Yes.

21 Q. How are they used in ICE's
22 screening process?

23 MS. SAFAVI: Standing objection as to
24 privileged or classified information. So
25 standard instruction.

1 To the extent that you can, go ahead
2 and answer the question.

3 A. In general, if derogatory
4 information is suspected or exists during a
5 screening process, the individual doing the
6 screening will write an ROA describing what
7 that information is.

8 BY MS. KRISHNAN:

9 Q. When you say, "during a
10 screening process," what does "screening
11 process" refer to?

12 MS. SAFAVI: Objection. Standing
13 objection and the instruction that -- go ahead
14 and answer without, you know -- to the best
15 that you can without revealing classified or
16 privileged information.

17 A. So, for example, if someone is
18 applying for a Visa overseas and is linked to a
19 terrorist organization, the analyst overseas
20 would do an ROA on that person describing what
21 that linkage was.

22 BY MS. KRISHNAN:

23 Q. Okay. And what does the
24 screening process entail for noncitizens who
25 have -- are already inside the U.S.?

1 MS. SAFAVI: Standing objection and
2 standard instruction.

3 A. So if an individual in the
4 United States was found to have, again,
5 derogatory information such as a link to a
6 terrorist group, that the information appeared
7 or became available after they had already
8 arrived in the United States, then the analyst
9 would do an ROA, a report of analysis on that
10 individual describing what the derogatory
11 information was.

12 BY MS. KRISHNAN:

13 Q. And how would that individual
14 come to the attention of the Office of
15 Intelligence?

16 A. In a number of ways.

17 Q. What are the ways?

18 MS. SAFAVI: Objection -- standing
19 objection and standard instruction.

20 A. We could have been notified of
21 the individual by the agency partner that new
22 information -- that they had obtained new
23 information. We could have done it in the
24 course of normal analytical review or normal
25 review of different information sources.

1 BY MS. KRISHNAN:

2 Q. Has the Office of Intelligence
3 been asked to produce a report of analysis as
4 part of the screening process by the State
5 Department this year?

6 MS. SAFAVI: Objection. Form.

7 A. Not to my knowledge.

8 BY MS. KRISHNAN:

9 Q. Have there been any changes to
10 the screening process since the introduction of
11 Executive Order 14161?

12 A. No.

13 Q. Are you familiar with --
14 withdrawn.

15 Do you -- have you heard of Executive
16 Order 14188, "Additional Measures to Combat
17 Anti-Semitism"?

18 A. Can I have a copy?

19 MS. SAFAVI: Sorry. Just for
20 clarification, we marked this as Exhibit 1?

21 MS. KRISHNAN: Yes.

22 This was, likewise, attached as an
23 exhibit to my declaration.

24 MS. SAFAVI: Okay.

25 MS. KRISHNAN: Thank you.

1 MS. SAFAVI: And we're marking it
2 Exhibit 2?

3 MS. KRISHNAN: Yes.

4 (Exhibit 2 was marked.)

5 BY MS. KRISHNAN:

6 Q. Do you understand this document
7 to be a copy of Executive Order 14188?

8 A. Yes.

9 Q. How did you become aware of
10 this order?

11 A. I saw it when it came out. I
12 don't think I've ever read it.

13 Q. Do you understand ICE to have a
14 role in implementing or enforcing that order?

15 MS. SAFAVI: Objection. Form.

16 A. I'd have to read it.

17 MS. SAFAVI: Oh, do you need time to
18 read it?

19 THE WITNESS: Yeah.

20 MS. SAFAVI: Can he have time to read
21 it, please?

22 MS. KRISHNAN: Yes.

23 MS. SAFAVI: Thank you.

24 Do we want to go off the record?

25 MS. KRISHNAN: Yeah, yeah, let's go

1 off the record.

2 THE VIDEOGRAPHER: The time is 15:53
3 and we're off the record.

4
5 (A break was taken at 4:01 p.m.)

6 THE VIDEOGRAPHER: The time is 16:01
7 and we're back on the record.

8 BY MS. KRISHNAN:

9 Q. Now that you've had an
10 opportunity to read the document, do you
11 understand ICE to have any role in implementing
12 or enforcing this order?

13 A. Yes.

14 Q. What is that role?

15 A. Section 3, paragraph E, working
16 with institutions who have foreign students and
17 foreign personnel is my understanding that's
18 the role of the National Security Division on
19 the SEVP program.

20 THE COURT REPORTER: On where?

21 THE WITNESS: S-E-V-P. SEVP program.

22 BY MS. KRISHNAN:

23 Q. Section 3 requires the
24 preparation of a report.

25 Have you been involved with the

1 preparation of the report called by Section 3?

2 A. No.

3 Q. Do you know if anyone at HSI
4 was involved in the preparation of that report?

5 MS. SAFAVI: Objection. Speculation.

6 A. I'd have to speculate.

7 BY MS. KRISHNAN:

8 Q. To your knowledge, was anyone
9 in HSI involved in the preparation of the
10 report?

11 A. I don't know. No. To my
12 knowledge, no.

13 MS. KRISHNAN: I'm sorry to have to
14 hand you another document, but this one is much
15 shorter. And this is another document that was
16 attached to my attorney declaration.

17 MS. SAFAVI: Okay. Could this be
18 marked Exhibit 3?

19 (Exhibit 3 was marked.)

20 BY MS. KRISHNAN:

21 Q. What is this document?

22 A. It appears to be a DHS press
23 release.

24 Q. And it states --

25 MS. SAFAVI: I'm sorry. Can you give

1 me a moment?

2 MS. KRISHNAN: Uh-huh.

3 MS. SAFAVI: Thank you.

4 Okay. Okay.

5 And where are -- are you reading from
6 the top or the second paragraph?

7 MS. KRISHNAN: I'm reading from --
8 I'm going to read from the first sentence.

9 MS. SAFAVI: Okay. Great.

10 MS. KRISHNAN: Uh-huh. Yeah. But
11 I'm not going to read out the whole sentence
12 because he's had an opportunity to read it.

13 MS. SAFAVI: Okay.

14 BY MS. KRISHNAN:

15 Q. The first sentence states that,
16 [As read] "ICE arrested Mahmoud Khalil of
17 Columbia, a former Columbia University graduate
18 student," quote, "in support of President
19 Trump's executive orders prohibiting
20 anti-Semitism."

21 How did the arrest of Mr. Khalil
22 support President Trump's executive orders
23 prohibiting anti-Semitism?

24 MS. SAFAVI: Objection. Calls for
25 speculation.

1 A. Yeah. I don't have any insight
2 into DHS press releases.

3 BY MS. KRISHNAN:

4 Q. Does this press release suggest
5 to you that ICE has a broader role than the
6 preparation of the report called for by Section
7 3 of Executive Order 14188?

8 MS. SAFAVI: Objection. Form.

9 A. I don't read anything into the
10 press releases.

11 BY MS. KRISHNAN:

12 Q. So when the Department of
13 Homeland Security states in this press release
14 that, [As read] "ICE is committed to enforcing
15 President Trump's executive orders," what do
16 you understand them to mean?

17 A. I'm not interpreting the
18 comments made by somebody else.

19 Q. What is your understanding of
20 what the Department of Homeland Security means
21 when it refers to the "enforcement of Executive
22 Order 14188"?

23 A. I'm not speculating on what the
24 Department means. ICE and HSI's job is to
25 enforce the law.

1 Q. Would it surprise you to hear
2 that in a declaration filed by Andre Watson in
3 this case he stated that, [As read] "ICE is
4 committed to enforcing Executive Order 14188"?

5 MS. SAFAVI: Objection. Hearsay.

6 A. Yeah, I'd have to speculate.

7 BY MS. KRISHNAN:

8 Q. What does the enforcement of
9 Executive Order 14188 mean to you?

10 A. We enforce the law. We follow
11 executive orders, but our job is to enforce the
12 law.

13 Q. To your knowledge, is HSI
14 trying to identify individuals that fall within
15 the purview of 14188?

16 A. Well, to the best of my
17 knowledge, we are trying to identify
18 individuals who are in violation of the law.

19 Q. Earlier I mentioned that
20 Mr. Watson filed a declaration in this case.
21 I'm going to read from that declaration and
22 representing to you that he said this in his
23 declaration, quote, [As read] "In applying
24 existing authorities, HSI, Office of
25 Intelligence proactively reviews open-source

1 information to identify individuals within the
2 parameters of E.O. 14188."

3 Now I know you didn't write this
4 sentence, but what do you understand that
5 sentence to mean?

6 MS. SAFAVI: Objection. Hearsay.

7 A. Yeah. I'm not going to -- I'm
8 not going to speculate on what Mr. Watson
9 meant.

10 BY MS. KRISHNAN:

11 Q. Is it a true statement?

12 A. Can you read it again?

13 Q. [As read] "In applying existing
14 authorities, HSI, Office of Intelligence
15 proactively reviews open-source information to
16 identify individuals within the parameters of
17 E.O. 14188."

18 A. And your question is?

19 Q. Is it a true statement?

20 MS. SAFAVI: Objection. Hearsay.

21 BY MS. KRISHNAN:

22 Q. He's describing your work. Is
23 he correct?

24 A. Not exactly.

25 Q. I am representing to you that

1 Roy Stanley submitted a declaration in a case
2 called "Taal versus Donald J. Trump." This
3 declaration is dated the 22nd of March 2025,
4 and it states: [As read] "To implement this
5 executive order, the HSI, Office of
6 Intelligence proactively reviews open-source
7 information to identify individuals subject to
8 the order" -- "executive order."

9 And I'm representing to you that
10 "executive order" in this sentence refers to
11 Executive Order 14188. And my question is: Is
12 this a correct statement?

13 MS. SAFAVI: Objection. Hearsay.
14 Also objection, Counsel testifying. Also, I --
15 I need clarification. What case are you
16 referring to? Is this a named plaintiff in
17 this case?

18 MS. KRISHNAN: No, it isn't. And the
19 name of the case is Momodou Taal versus Donald
20 J. Trump.

21 MS. SAFAVI: Okay. I need just a
22 second, please. Can we go on break?

23 MS. CONLON: Well, the question is
24 pending.

25 MS. SAFAVI: Oh, okay. So no.

1 Go ahead and answer the question to the
2 extent that you can answer it.

3 A. Can you repeat the question
4 again?

5 MS. SAFAVI: Actually, now that the
6 question is no longer pending, can we go on a
7 break?

8 MS. KRISHNAN: He's just asked me to
9 repeat the question. The question --

10 MS. SAFAVI: Okay.

11 MS. KRISHNAN: Yeah.

12 BY MS. KRISHNAN:

13 Q. And it states, quote, [As read]
14 "To implement this executive order, the HSI,
15 Office of Intelligence proactively reviews
16 open-source information to identify individuals
17 subject to the executive order."

18 Is that true?

19 A. Yes. To the extent that HSI,
20 Office of Intel does that all the time. Has
21 been doing that. Whether or not there was an
22 executive order, we analyze individuals for
23 violations of the law. If the violations of
24 the law are within the parameters of the
25 executive order, then yes, that's a true

1 statement.

2 MS. KRISHNAN: Did you want a break?

3 MS. SAFAVI: Yes, please. Can we go
4 on break?

5 THE VIDEOGRAPHER: The time is 16:16
6 and we are off the record.

7
8 (A break was taken at 4:17 p.m.)
9

10 THE VIDEOGRAPHER: The time is 16:30
11 and we're back on the record.

12 MS. SAFAVI: Yes. And the
13 respondent -- Defendants would move to strike
14 the questions and the answers on the most
15 recent declaration that was quoted by Counsel
16 based on our objections that it is hearsay. It
17 was Counsel testifying and it is also outside
18 of the scope of this case.

19 It is Defendant's understanding, and
20 this is also the purpose of the objection --
21 and the judge did allow for you guys -- for
22 Plaintiffs to cite to five individual cases.
23 This individual case is not one of them.

24 Also, we cannot see the declaration to
25 make sure that the quote is accurate and

1 consistent with what the declaration was filed
2 in that case.

3 So that is our objection and that is
4 our request to strike that question and answer
5 series based on that declaration.

6 MS. KRISHNAN: This is just a
7 clarification question, but the motion to
8 strike an objection, is that only about the
9 declaration of Roy Stanley and also about the
10 declaration of Andre Watson that was filed in
11 this case.

12 MS. SAFAVI: So the declaration of
13 Andre Watson was filed in this case.

14 MS. KRISHNAN: Yes.

15 MS. SAFAVI: Yes. That's fine. The
16 one of Stanley was not filed in this case and
17 it is not one of the named plaintiffs in this
18 case. So it's outside of the scope of this
19 case.

20 MS. KRISHNAN: I disagree, but I
21 don't --

22 MS. SAFAVI: Okay. Well, if you
23 disagree and you want to bring a hard copy in
24 for us to look at and present to our witness,
25 then that's one thing. But as it stands right

1 now, respond -- Defendants object and we move
2 to strike that question-and-answer series.

3 MS. KRISHNAN: Ms. Safavi, you've
4 made your record.

5 BY MS. KRISHNAN:

6 Q. Earlier, you stated, "If the
7 violations of the law are within the parameters
8 of the executive order, then yes, that's a true
9 statement."

10 My question is: How does the Office of
11 Intelligence decide whether someone is in --
12 within -- within the parameters of E.O. 14188?

13 A. You don't.

14 Q. You don't?

15 A. No.

16 Q. Is your testimony that the
17 Office of Intelligence researches and analyzes
18 and individual only upon request from another
19 part of ICE?

20 A. Yeah.

21 Q. Does the Office of Intelligence
22 decide to research and analyze individuals of
23 its own initiative?

24 A. Yes.

25 Q. In what cases would the --

1 withdrawn.

2 In what circumstances would the Office
3 of Intelligence decide to research and analyze
4 an individual of his own initiative?

5 MS. SAFAVI: Standing objection and
6 standard instruction regarding privilege.

7 A. If in the course of the analyst
8 doing his or her job they came across
9 suspicious activity, they would produce an ROA,
10 report of analysis.

11 BY MS. KRISHNAN:

12 Q. And when you say, "suspicious
13 activity," are you referring to suspicious
14 criminal activity?

15 A. Yes.

16 Q. Has DHS or ICE received any
17 guidance or instructions about how to implement
18 or enforce either of the executive orders we've
19 discussed?

20 A. I don't know.

21 Q. Has HSI received any guidance
22 or instructions about how to implement or
23 enforce the executive orders?

24 MS. SAFAVI: Objection. Form.

25 A. I'd have to speculate.

1 BY MS. KRISHNAN:

2 Q. I'm asking about your
3 knowledge.

4 Do you know if HSI has received any
5 guidance or instructions about how they
6 implement the executive orders?

7 MS. SAFAVI: Objection. Form.

8 A. Can you rephrase?

9 BY MS. KRISHNAN:

10 Q. I'm asking whether, to your
11 knowledge, HSI has received any guidance or
12 instructions about these executive orders.

13 A. That's a question for my -- for
14 other people at HSI.

15 Q. So you haven't seen any
16 guidance or instructions about these executive
17 orders?

18 A. No.

19 Q. Has the Office of Intelligence
20 received any guidance or instructions about
21 preparing reports of analysis in response to
22 the executive orders?

23 A. Can you say that again?

24 Q. Has the Office of Intelligence
25 received any guidance or instructions about

1 preparing reports of analysis in response to
2 the executive orders?

3 A. Yes.

4 Q. From whom has the Office of
5 Intelligence received guidance or instructions?

6 MS. SAFAVI: Objection. Standing
7 objection and standard instruction about
8 privilege.

9 A. Direct deputy, Derrick Gordon.

10 BY MS. KRISHNAN:

11 Q. Anyone else?

12 A. The assistant director for
13 operations.

14 Q. Is that Mr. Wolcott (ph).

15 A. Yes.

16 THE COURT REPORTER: Is that Mr. Who?

17 MS. KRISHNAN: Wolcott.

18 BY MS. KRISHNAN:

19 Q. Anyone else?

20 A. Yes, one more. Robert Hammer.

21 Q. And I believe I've heard of
22 Robert Hammer before, but remind me of what his
23 title is.

24 A. He was the acting -- actually,
25 he was the deputy executive associate director

1 of HSI prior to Mr. Gordon.

2 Q. Have you received any guidance
3 or instructions about the executive orders from
4 anyone in the White House?

5 A. No.

6 Q. What -- what guidance did you
7 receive from Mr. Gordon?

8 MS. SAFAVI: Objection. Form.

9 A. What do you mean by "guidance"?

10 BY MS. KRISHNAN:

11 Q. Well, you -- you agreed -- you
12 answered in the affirmative to whether you have
13 received guidance or instructions about the
14 executive orders and you named as one person
15 who has provided that guidance, Mr. Gordon.

16 My question is: What was that
17 guidance?

18 MS. SAFAVI: Standing objection and
19 standard instruction.

20 A. Produce reports of analysis on
21 individuals involved in protests as it relates
22 to Title 8.

23 BY MS. KRISHNAN:

24 Q. Did he provide any other
25 guidance about these executive orders?

1 A. Do it quickly.

2 Q. And when did he give you this
3 guidance? Was it February, March?

4 A. February or March.

5 Q. Did he say why it needed to be
6 done quickly?

7 MS. SAFAVI: Objection. Hearsay.

8 A. Can you rephrase?

9 BY MS. KRISHNAN:

10 Q. He said "do it quickly," and my
11 question is: Did he provide an explanation for
12 why it needed to be done quickly?

13 MS. SAFAVI: Standing objection and
14 standard instruction.

15 A. Yeah, we -- I was being
16 facetious, we -- we have to do everything
17 quickly. His guidance was to produce the ROAs,
18 exactly as I said before, look for the -- based
19 on suspicious activity in Title 8 or any other
20 crimes.

21 BY MS. KRISHNAN:

22 Q. And did he provide any guidance
23 as to what "suspicious activity within Title 8"
24 means?

25 A. He did not provide specific

1 guidance on the Title 8, what Title 8 offenses
2 to look for.

3 Q. Is this the same conversation
4 in which he provided names of student
5 protesters to research and analyze?

6 A. No.

7 Q. Was anyone else present when
8 Mr. Gordon instructed you to produce reports of
9 analysis of those involved in protests?

10 A. Yes, the folks I mentioned
11 before.

12 Q. Okay. Did anyone else at this
13 meeting provide you guidance or instructions
14 about the executive orders?

15 A. About the executive orders, no.

16 Q. Did anyone else at the meeting
17 provide guidance or instructions about the
18 reports of analysis that you had been asked to
19 produce?

20 A. Yes.

21 Q. Who provided that guidance?

22 A. These were discussions amongst
23 the people named, as I mentioned before,
24 rolling discussions over days. So we were
25 discussing what the -- what the analysts were

1 finding, what the -- the research and analysis
2 was, and how we might do it better. Things
3 like that.

4 Q. Was there any -- a name for
5 this line of effort?

6 A. Yes.

7 Q. What was the name?

8 A. The -- we call it the tiger
9 team.

10 Q. Does the tiger team continue to
11 meet?

12 THE COURT REPORTER: I'm sorry?

13 BY MS. KRISHNAN:

14 Q. Does the tiger team continue to
15 meet?

16 A. Yes.

17 Q. How often does it meet?

18 MS. SAFAVI: Standing objection and
19 standard instruction.

20 A. It's constant.

21 BY MS. KRISHNAN:

22 Q. And is this team still having
23 discussions about reports of analysis about
24 student protesters?

25 MS. SAFAVI: Standing objection and

1 standard instruction.

2 A. No.

3 BY MS. KRISHNAN:

4 Q. Do you recall when the last
5 discussion among this group of people about --

6 MS. SAFAVI: Standing --

7 BY MS. KRISHNAN:

8 Q. -- student protesters occurred?

9 MS. SAFAVI: Standing objection and
10 standard instruction.

11 A. Maybe a month ago.

12 BY MS. KRISHNAN:

13 Q. Did Mr. Walker provide any
14 guidance or instructions about the reports of
15 analysis on student protesters?

16 A. He was part of the discussions.

17 Q. What did he say?

18 MS. SAFAVI: Objection. Hearsay.

19 Also calls for privileged requested
20 information, and so I'm going to instruct my
21 client to answer to the extent that he can
22 without divulging privileged information.

23 A. I don't recall except that it
24 was deliberative.

25 BY MS. KRISHNAN:

1 Q. Did anyone -- did anyone
2 address the connection between these reports of
3 analysis and the executive orders?

4 MS. SAFAVI: Objection. Standing
5 objection and instruction regarding
6 deliberative or law enforcement privilege.

7 Go ahead an answer the question to the
8 best that you can.

9 A. I don't know specifics, I don't
10 recall who said what, but I'm sure the
11 executive orders were mentioned.

12 BY MS. KRISHNAN:

13 Q. And so apart from the fact that
14 reports of analysis on certain student
15 protesters were required to be produced, what
16 else was said about these executive orders?

17 MS. SAFAVI: Standing objection and
18 instruction and also objection. Hearsay.

19 A. I don't recall.

20 BY MS. KRISHNAN:

21 Q. Which part or parts of Title 8
22 did the Office of Intelligence focus on in
23 response to this request to produce reports of
24 analysis on student protesters?

25 MS. SAFAVI: Standing objection and

1 standard instruction.

2 A. Yeah, the -- the entirety of
3 it.

4 BY MS. KRISHNAN:

5 Q. Was foreign policy mentioned in
6 any of these discussions?

7 A. Yes.

8 Q. What was said about foreign
9 policy?

10 MS. SAFAVI: Objection. Hearsay.
11 And standing objection and standard
12 instruction.

13 A. I don't recall. I don't recall
14 except that it was a State Department decision.

15 BY MS. KRISHNAN:

16 Q. What was a State Department
17 decision?

18 MS. SAFAVI: Objection. Speculation.

19 A. I'd have to speculate, but
20 State Department is in charge of foreign
21 policy.

22 BY MS. KRISHNAN:

23 Q. Yes, but you refer to a State
24 Department decision, and I'm asking what
25 decision are you referring to.

1 MS. SAFAVI: Objection. Form.

2 A. Can you rephrase the question?

3 BY MS. KRISHNAN:

4 Q. When I asked what was said
5 about foreign policy, you said it was a State
6 Department decision, and I'm asking what is the
7 State Department decision to which you were
8 referring.

9 A. Anything to do with foreign
10 policy. So all -- all foreign policies.
11 Those -- only decisions related to foreign
12 policies are made by State Department.

13 Q. Do you recall anyone referring
14 to a State Department decision that certain
15 student protesters should be researched and
16 analyzed in order to determine whether they
17 pose foreign policy concerns?

18 MS. SAFAVI: Objection. Form.

19 A. Can you rephrase?

20 BY MS. KRISHNAN:

21 Q. So at these conversations that
22 we've been talking about, do you recall anyone
23 referring to a State Department decision that
24 these protesters should be researched and
25 analyzed in order for the State Department to

1 determine whether they pose foreign policy
2 concerns?

3 MS. SAFAVI: Objection. Form.

4 A. No.

5 BY MS. KRISHNAN:

6 Q. Was anti-Semitism mentioned at
7 any of these meetings addressing reports of
8 analysis on student protesters?

9 A. Yes.

10 Q. What was said -- withdrawn.

11 Did anyone address how anti-Semitism
12 related to these reports of analysis?

13 MS. SAFAVI: Standing objection and
14 instruction to answer the question the best
15 that you can without revealing classified law
16 enforcement privilege or deliberative process
17 privilege.

18 A. The analyst job was -- is to
19 provide research and analysis on suspicions of
20 violations of the law. That's what the team
21 was focused on.

22 BY MS. KRISHNAN:

23 Q. I understand that. But you
24 said that anti-Semitism was mentioned in these
25 conversations, and I'm asking whether anyone

1 addressed how anti-Semitism related to these
2 reports of analysis.

3 A. No.

4 Q. Did anyone mention support for
5 Hamas?

6 A. Yes.

7 Q. Who mentioned it?

8 MS. SAFAVI: Objection. Standing
9 objection and the instruction to go ahead and
10 answer to the extent it doesn't expose
11 privileged information or classified
12 information.

13 A. I think all of us at one point
14 or another mentioned -- discussed pro-Hamas.

15 BY MS. KRISHNAN:

16 Q. Did anyone address what
17 anti-Semitism means at any of these meetings?

18 A. No.

19 Q. Did anyone address what
20 qualifies as pro-Hamas activity at any of these
21 meetings?

22 A. Yes.

23 Q. What was said about what
24 qualifies as pro-Hamas?

25 MS. SAFAVI: Objection. Hearsay.

1 And standing objection on privilege.

2 Go ahead and answer the question to the
3 best that you can without disclosing privileged
4 information.

5 A. Activities that may be
6 construed as pro-Hamas.

7 BY MS. KRISHNAN:

8 Q. And in your understanding, what
9 activities qualify as pro-Hamas?

10 A. Statements in support of
11 October 7th. Statements in support of Hamas
12 leaders. Statements in support of increased
13 violence.

14 Q. Anything else?

15 A. That's it.

16 Q. In your understanding, would
17 criticizing Israel for being a Jewish state
18 qualify as pro-Hamas?

19 MS. SAFAVI: Objection. Standing
20 objection with the instruction to go ahead and
21 answer without revealing deliberative or law
22 enforcement privileges.

23 A. No.

24 BY MS. KRISHNAN:

25 Q. What about the statement

1 Intifada Revolution?

2 A. I don't know.

3 Q. Is pro-Hamas a term that you
4 have seen in any of the reports of analysis you
5 read on student protesters?

6 A. Yes.

7 Q. Have employees at the Office of
8 Intelligence received any training or guidance
9 about what qualifies as pro-Hamas?

10 A. Yes.

11 You said guidance or training?

12 Q. Yes. Let's -- let's start with
13 training.

14 And who has provided training to
15 employees of the Office of Intelligence about
16 what is pro-Hamas?

17 MS. SAFAVI: Standing objection and
18 instruction.

19 A. So define "training." Are we
20 talking formal instruction? Informal
21 instruction to me would be guidance on
22 training.

23 BY MS. KRISHNAN:

24 Q. Yeah. Well, let's start with
25 formal instruction.

1 Has there been any formal instruction
2 to employees of the Office of Intelligence
3 about what is pro-Hamas?

4 A. No.

5 Q. Okay. And has there been
6 informal instructions about what constitutes
7 pro-Hamas?

8 A. Yes, in the sense there's been
9 guidance given on what could constitute
10 pro-Hamas activity in the context of the -- all
11 the information on an individual.

12 Q. In what -- in what form was
13 that guidance given?

14 A. Supervisors to employees,
15 discussions, guidance given from supervisors to
16 employees, supervisory analysts to the analyst.

17 Q. Was any of this guidance in
18 written form?

19 A. I don't know.

20 Q. Who would know?

21 A. The unit chief, Roy Stanley.

22 Q. And who provided instructions
23 to the supervisors?

24 A. For my deputy, Brad Etter.

25 THE COURT REPORTER: I'm sorry?

1 THE WITNESS: Brad Etter.

2 BY MS. KRISHNAN:

3 Q. And what instructions did you
4 provide?

5 MS. SAFAVI: Standing objection and
6 instruction.

7 A. Guidance was on what active --
8 what activities could be construed as pro-Hamas
9 in the right circumstance -- or in the
10 individual -- in the specific circumstances of
11 the information gathered about that individual.

12 Q. And what guidance did you
13 provide on the question of what activities
14 could be construed as pro-Hamas?

15 A. The ones I mentioned.

16 Q. And when -- and when you
17 provided those instructions, did you mean to --
18 did you mean for the example statements that
19 you gave to be exhaustive?

20 A. No. I'm sure there were
21 others.

22 Q. Do you remember any of the
23 others?

24 MS. SAFAVI: Standing objection and
25 instruction.

1 A. Not right now.

2 Q. But whatever statements you
3 provided when you gave these instructions, did
4 you tell the recipient that that was the
5 universe of statements --

6 A. No. Sorry.

7 Q. -- that could qualify as
8 pro-Hamas?

9 MS. SAFAVI: Yeah. Objection. Form.

10 A. Can you rephrase?

11 BY MS. KRISHNAN:

12 Q. And when you provided examples
13 of what could constitute pro-Hamas activity,
14 did you intend for those examples to be
15 exhaustive?

16 A. No.

17 Q. Have you provided similar
18 instructions to any employee of the Office of
19 Intelligence about what could constitute
20 anti-Semitic activity?

21 A. No. Sorry.

22 MS. SAFAVI: That's okay.

23 Standing objection and instruction.

24 You can answer the question.

25 What guidance did Bradley Etter provide

1 to members of the Office of Intelligence about
2 what constitutes pro-Hamas activity?

3 MS. SAFAVI: Standing objection and
4 instruction.

5 A. I don't know.

6 BY MS. KRISHNAN:

7 Q. Do you or Mr. Etter weigh in on
8 when something is pro-Hamas in difficult cases?

9 A. It is not the job of the Office
10 of Intelligence to make a determination on
11 whether something is pro-Hamas or not
12 pro-Hamas.

13 Q. But do you make a determination
14 of what could be pro-Hamas?

15 MS. SAFAVI: Objection. Form.

16 A. We include the facts in the
17 report of analysis. We do not make the
18 determination in the report of analysis, nor do
19 I as the Chief of Intel make the determination.

20 BY MS. KRISHNAN:

21 Q. But if someone has included the
22 term "pro-Hamas" in a report of analysis,
23 haven't they made an assessment that the
24 subject activity is pro-Hamas?

25 A. Not necessarily.

1 Q. But is it the case that an
2 analyst within the Office of Intelligence
3 include information in reports of analysis that
4 could be pro-Hamas?

5 MS. SAFAVI: Objection. Form.

6 MS. KRISHNAN: I'm going to
7 restate -- oh, okay.

8 A. Can you rephrase?

9 BY MS. KRISHNAN:

10 Q. Yeah.

11 But is it the case that analysts within
12 the Office of Intelligence include information
13 in reports of analysis that could be construed
14 as pro-Hamas?

15 A. Yes.

16 Q. Who sets the agenda for the
17 meetings that you have been part of about
18 reports of analysis on student protesters that
19 you've been asked to compile in response to the
20 executive orders?

21 A. Can you say that again?

22 Q. Uh-huh.

23 Who sets the agenda for the meetings
24 that you have been part of about reports of
25 analysis on student protesters in response to

1 the executive orders?

2 A. Would be a front office staff.
3 The deputy -- deputy staff.

4 Q. This would be Mr. Gordon's
5 staff?

6 A. Yes.

7 Q. Has the Office of Intelligence
8 given other divisions of HSI any guidance or
9 instructions about the executive orders?

10 MS. SAFAVI: Standing objection and
11 instruction.

12 A. Define "the executive orders."

13 Q. To clarify, unless I say
14 otherwise, the executive orders refers, in my
15 questions, to E.O. 14161 and E.O. 14188, the
16 two executive orders we've been talking about.

17 A. No.

18 Q. Okay. Who is training or
19 instructing employees of NSD, that is the
20 National Security Division of HSI, on the
21 executive orders?

22 MS. SAFAVI: Objection. Speculation.
23 And standing objection and instruction on
24 privilege.

25 A. It's not my division.

1 BY MS. KRISHNAN:

2 Q. But do you know?

3 A. No.

4 Q. Has the Office of Intelligence
5 provided any briefings about the two executive
6 orders to any other employees of ICE?

7 MS. SAFAVI: Objection. Form.

8 A. Can you rephrase?

9 BY MS. KRISHNAN:

10 Q. Has the Office of Intelligence
11 provided any briefings about either executive
12 order to other employees of ICE?

13 A. No.

14 Q. Do you know that Mr. Watson has
15 provided deposi- -- deposition testimony in
16 this case?

17 A. Yes.

18 Q. He said during his deposition
19 that he attended an executive briefing about a
20 program initiated in response to the two
21 executive orders we've been talking about and
22 that executive briefing was given by the Office
23 of Intelligence.

24 Does that refresh your recollection?

25 MS. SAFAVI: Objection. Hearsay.

1 A. Can you rephrase?

2 BY MS. KRISHNAN:

3 Q. Well, I can give you some
4 further details in case this refreshes your --
5 your recollection. He said that the briefing
6 occurred in March of 2025 and he said that you
7 were present together with Mr. Etter,
8 Mr. Gordon, and Mr. Hammer.

9 MS. SAFAVI: Objection. Hearsay.
10 And Counsel is testifying.

11 A. So can I see the document?

12 Q. Yeah. I -- I'm representing to
13 you that this was his testimony.

14 A. Can you repeat that?

15 Q. Uh-huh.

16 He says that he believes in March of
17 2025 he attended an executive briefing at which
18 you were present where he learned of a program
19 initiated in response to the two executive
20 orders we've been describing and that this
21 executive briefing was given by the Office of
22 Intelligence.

23 A. Okay.

24 MS. SAFAVI: Objection. Hearsay.

25 A. There are just a couple of

1 points that are confusing. So can you break
2 the question into parts to clarify?

3 MS. KRISHNAN: Sure.

4 BY MS. KRISHNAN:

5 Q. Do you remember attending an
6 executive briefing about executive orders in
7 March of 2025?

8 A. To my recollection, that
9 meeting was about the protests. The purpose of
10 the meeting was to discuss the protests.

11 Q. This was a meeting in March?

12 A. I believe so.

13 Q. And was that meeting initiated
14 by the Office of Intelligence?

15 A. No.

16 Q. And you said the purpose of the
17 meeting was to discuss the protests. What
18 about the protests?

19 MS. SAFAVI: Standing objection and
20 instruction.

21 A. Whether or not the protests
22 were -- involved violations of crime --
23 violation of the law.

24 BY MS. KRISHNAN:

25 Q. And did anyone offer an

1 assessment on that question?

2 MS. SAFAVI: Objection. Form.

3 A. I don't think so.

4 BY MS. KRISHNAN:

5 Q. So no one offered an opinion at
6 that meeting about whether the protests
7 involved the violation of the law?

8 A. I think the discussion was it
9 could be.

10 Q. It could be?

11 A. It could be violations of law.

12 Q. What violations of the law were
13 mentioned at that meeting?

14 A. Violations of Title 8,
15 violations related to violence.

16 Q. Any others?

17 A. Probably. That's what I
18 remember, though.

19 Q. Okay. And what, if any,
20 specific violations of Title 8 were mentioned
21 at the meeting?

22 A. I don't recall which specific
23 ones.

24 Q. Was foreign policy mentioned at
25 this briefing?

1 A. At this particular briefing, I
2 don't know.

3 Q. What about support for Hamas?

4 MS. SAFAVI: Objection. Form.

5 A. Can you rephrase?

6 BY MS. KRISHNAN:

7 Q. Was support for Hamas mentioned
8 at this briefing?

9 A. I think so.

10 Q. And when you said that the
11 purpose of the meeting was to discuss the
12 protests, are you referring to the protests
13 that have been ongoing since October 7, 2023?

14 A. Yes.

15 Q. And these would be the protests
16 against Israel's military actions in Gaza?

17 A. That would be speculation. I
18 don't know what the -- I don't know the intent
19 of the protests. I don't know the -- the
20 intent of the protesters.

21 Q. To your knowledge, who convened
22 this briefing?

23 A. HSI leadership.

24 Q. HSI leadership.

25 Was the State Department mentioned at

1 this briefing?

2 A. I don't know.

3 Q. Is this where the tiger team --
4 is this briefing where the tiger team was
5 formed?

6 A. Yes.

7 Q. And were there any briefings
8 after this briefing that we've been talking
9 about that addressed the protests?

10 A. Yes, the rolling discussions.

11 Q. The rolling discussions. Okay.
12 When was the last time you received the
13 names of student protesters for the Office of
14 Intelligence to research and analyze?

15 A. I think more than a month ago.

16 Q. Have you had any conversations
17 with State Department employees about the
18 reports of analysis your office has been
19 working on?

20 A. No.

21 Q. Has HSI leadership had any
22 conversations with State Department employees
23 about the protests?

24 A. Yes.

25 Q. Who in HSI leadership has had

1 conversations with State Department employees
2 about the protests?

3 MS. SAFAVI: Objection. Speculation.

4 A. I think you already know.

5 Mr. Watson.

6 BY MS. KRISHNAN:

7 Q. Mr. Watson.

8 Anyone else?

9 A. Not that I know of.

10 Q. Okay. And who has Mr. Watson
11 spoken to at the State Department about the
12 protests?

13 MS. SAFAVI: Objection. Speculation.

14 A. You have to ask him. I don't
15 know.

16 BY MS. KRISHNAN:

17 Q. And are you aware of a working
18 group called The Student Visa Working Group
19 that includes employees from the State
20 Department and DHS?

21 A. What's it called?

22 Q. It called The Student Visa
23 Working Group.

24 A. No.

25 Q. Are you aware of any effort by

1 the State Department and DHS to share
2 information about and coordinate actions on
3 student Visa holders?

4 A. No.

5 Q. Are you aware that the State
6 Department has represented to its employees
7 that it is working with DHS to share
8 information about and coordinate on student
9 Visa holders?

10 A. No.

11 Q. Is there anyone else in ICE,
12 besides Mr. Watson and Mr. Gordon, that would
13 coordinate with the State Department on any
14 effort to share information about and
15 coordinate actions on student Visa holders?

16 MS. SAFAVI: Objection. Speculation.

17 A. Yeah, I'd be speculating.

18 BY MS. KRISHNAN:

19 Q. Are Mr. Watson and Mr. Gordon
20 the most likely officials from HSI to be
21 involved in any such effort.

22 A. In the context of this
23 discussion, yes.

24 Q. Did any of the reports of
25 analysis that the Office of Intelligence

1 compiled instituted protesters involve
2 permanent residents?

3 A. Yes.

4 Q. Have you had any contact or
5 communication with employees of the State
6 Department about either of the two executive
7 orders we've been discussing?

8 A. No.

9 Q. Has anyone else within your
10 office had any contact or communication with
11 State Department employees regarding either of
12 the two executive orders we've been discussing?

13 A. Not that I know of.

14 Q. To your knowledge, has DHS or
15 ICE issued any guidance or instructions to
16 universities concerning either of the two
17 executive orders?

18 MS. SAFAVI: Objection. Form.

19 A. Can you rephrase?

20 BY MS. KRISHNAN:

21 Q. To your knowledge, has DHS
22 issued any guidance or instructions to
23 universities concerning the executive orders?

24 MS. SAFAVI: Objection. Speculation.

25 A. I have to speculate. I don't

1 know.

2 BY MS. KRISHNAN:

3 Q. To your knowledge, has ICE had
4 any -- any communication with universities
5 concerning the executive orders?

6 MS. STROKUS: Objection.
7 Speculation.

8 A. That's not my world of work.

9 THE COURT REPORTER: I'm sorry?

10 THE WITNESS: That's not my world of
11 work.

12 BY MS. KRISHNAN:

13 Q. But do you know?

14 A. I'd have to speculate.

15 Q. Because you don't know?

16 A. Because I don't know.

17 Q. Okay.

18 MS. SAFAVI: Can we have a break?

19 MS. CONLON: Sure.

20 How long of a break do you need.

21 MS. SAFAVI: I just need to get
22 candy.

23 THE VIDEOGRAPHER: Time is 17:27 and
24 we are off the record.
25

1 (A break was taken at 5:27 p.m.)

2
3 THE VIDEOGRAPHER: The time is 17:45

4 and we're back on the record.

5 BY MS. KRISHNAN:

6 Q. When is the last time that you
7 received names of student protesters?

8 A. I think over a month ago.

9 Q. And how does HSI leadership
10 identify the names that are given to you?

11 MS. SAFAVI: Objection. Speculation.

12 A. Can you rephrase?

13 BY MS. KRISHNAN:

14 Q. How has HSI leadership
15 identified the individuals they want the Office
16 of Intelligence to research an analyst?

17 MS. SAFAVI: Objection. Speculation.

18 A. I think you asked that before.

19 BY MS. KRISHNAN:

20 Q. I'm not sure I have. I can't
21 say definitively, but if I have, could you
22 remind me? How has HSI leadership identified
23 the protesters they want the Office of
24 Intelligence to research and analyze?

25 A. I think I said we've -- we

1 receive lists from -- in a number of ways. The
2 clarification would be those lists usually go
3 through the front office, so the leadership of
4 HSI, but they come from Office of Border Czar,
5 Office of the Secretary.

6 THE COURT REPORTER: I'm sorry. You
7 said office of who?

8 THE WITNESS: The Border Czar.

9 THE COURT REPORTER: Border Czar.

10 THE WITNESS: Office of Secretary,
11 interagency partners, and I'd have to speculate
12 about anybody else.

13 BY MS. KRISHNAN:

14 Q. Are you able so say where the
15 majority of these names have come from, any of
16 the particular places you've mentioned?

17 MS. SAFAVI: Objection. Form and
18 speculation.

19 A. Can you rephrase?

20 BY MS. KRISHNAN:

21 Q. Where have most of the names
22 that you have received come from, and I'm
23 speaking here about the student protesters?

24 A. Most of the names were on the
25 Canary Mission website.

1 Q. And who collated those names
2 into a list?

3 MS. SAFAVI: Objection. Speculation.
4 And standing objection and instruction on
5 privilege.

6 A. I don't know.

7 BY MS. KRISHNAN:

8 Q. But when you mentioned the list
9 of places that give HSI leadership the names
10 and you mentioned that; most of the names were
11 on a Canary Mission website. Of the places you
12 named -- withdrawn.

13 Which of those places identified names
14 from Canary Mission's website?

15 A. I don't know which one.

16 Q. Do any of the names come from
17 Betar?

18 THE COURT REPORTER: From where?

19 MS. KRISHNAN: Betar, B-E-T-A-R.

20 MS. SAFAVI: Objection. Form.

21 THE WITNESS: What do you mean by
22 Betar? Are you referring to the website?

23 BY MS. KRISHNAN:

24 Q. I -- I'm referring to the group
25 and it has a website.

1 A. I believe some of the names
2 came from that website. I believe a lot of the
3 names on that website are also in Canary
4 Mission.

5 Q. Besides the Canary Mission and
6 Betar website, are there any other websites
7 that these names were pulled from?

8 A. Not that I know of.

9 Q. Did any of the names, to your
10 knowledge, come from The Heritage Foundation?

11 A. I don't know.

12 Q. To your knowledge, did any of
13 the names come from the White House?

14 A. I would have to speculate.

15 Q. Do you know?

16 A. I don't know for sure where
17 they came from.

18 Q. Do you suspect that some of
19 them come -- came from the White House?

20 MS. SAFAVI: Objection, form.
21 Objection, speculation.

22 MS. KRISHNAN: You can still answer.

23 MS. SAFAVI: Also standing objection
24 instruction to the extent it calls for
25 privileged information.

1 A. Can you clarify which parts --
2 I don't know where they came from.

3 BY MS. KRISHNAN:

4 Q. Do you have any understanding
5 of whether anyone in the White House has input
6 into which student protesters should be
7 researched and analyzed?

8 MS. SAFAVI: Objection. Privileged,
9 presidential communication privilege. So --
10 and deliberative and law enforcement.

11 So I'm going to instruct you to answer
12 the question to the best that you can without
13 disclosing privileged information.

14 MS. KRISHNAN: And I just want to
15 clarify I'm only -- I'm not asking about the
16 content or any specific names, but just whether
17 anyone in the White House has provided input
18 into which student protesters should be
19 researched and analyzed.

20 MS. SAFAVI: Okay. So then
21 objection. Form.

22 A. Again, I'd be speculating. So
23 can you rephrase?

24 BY MS. KRISHNAN:

25 Q. Do you have any information

1 about whether anyone at the White House has
2 provided input into which student protesters
3 HSI should investigate?

4 A. No.

5 Q. And do you have, just to cover
6 all basis, any information on whether anyone at
7 the White House has provided input into which
8 student protesters should be researched and
9 analyzed?

10 A. I do not.

11 Q. Have any of the student names,
12 and I'm talking here of the student protesters,
13 come from social media?

14 MS. SAFAVI: Objection. Asked and
15 answered.

16 BY MS. KRISHNAN:

17 Q. Have any of the names come from
18 social media posts in which an individual or
19 organization tags ICE on a social media
20 platform?

21 A. No.

22 Q. Have any of these names come
23 through a tip submitted through ICE's public
24 Tip form?

25 A. I don't know.

1 Q. What happens when a member of
2 the public submits a tip through ICE's public
3 tip form?

4 A. It gets reviewed by a panelist
5 at the tip line and then sent to the relevant
6 office that would handle that type of tip.

7 Q. And which part of ICE do staff
8 who work the tip line work it?

9 A. The Office of Intelligence.

10 Q. So many of these names have
11 come from his leadership.

12 Have any of the name -- have any of the
13 student protesters that the Office of
14 Intelligence -- withdrawn.

15 Has the Office of Intelligence
16 researched and analyzed any student protesters
17 who weren't identified to you by his
18 leadership?

19 MS. SAFAVI: Objection. Form.

20 A. Can you rephrase?

21 BY MS. KRISHNAN:

22 Q. Has the Office of Intelligence
23 researched any student protesters who were not
24 on a list of names provided to you?

25 A. Yes.

1 Q. And how did the Office of
2 Intelligence identify those student protesters?

3 MS. SAFAVI: Standing objection and
4 standard instruction.

5 A. If during the course of their
6 research and analysis the analyst was able to
7 identify the protester without being given the
8 name from someone else, then they
9 would (inaudible).

10 Q. And in what circumstances would
11 an analyst decide that a student protesters who
12 comes up in their research is themselves worth
13 researching?

14 MS. SAFAVI: Standing objection and
15 standard instruction.

16 A. So an analyst can write an ROA
17 on a protester and find that the protester
18 engaged in no suspicious activity and the ROA
19 is still produced.

20 BY MS. KRISHNAN:

21 Q. And in this case, the ROA is
22 produced to the National Security Division?

23 A. In -- in this context, yes.

24 Q. Okay. So there have been cases
25 in which the Office of Intelligence has found

1 that a protester has engaged in no suspicious
2 activity?

3 A. (Inaudible)

4 Q. Other cases that an analyst has
5 found that a protester has engaged in
6 suspicious activity?

7 A. There are circumstances where
8 the analyst has found indications of suspicious
9 activity for the agent to make the
10 determining -- or for another decision-maker to
11 make a determination on whether or not it was
12 actually a violation.

13 Q. In this context, when we're
14 talking about student protesters, is it the
15 National Security Division that would make that
16 determination?

17 A. Yes.

18 Q. Okay. Has analysts in the
19 Office of Intelligence identified any student
20 protesters that are -- deserve research and
21 analysis based on their review of Canary
22 Mission's website?

23 MS. SAFAVI: Objection. Form.

24 A. Can you rephrase that?

25 BY MS. KRISHNAN:

1 Q. Uh-huh.

2 Have analysts in the Office of
3 Intelligence identified in the course of their
4 research any student protesters -- withdrawn.

5 Have analysts in the Office of
6 Intelligence researched and analyzed a student
7 protester based on their own review of Canary
8 Mission's website?

9 MS. SAFAVI: Objection. Form.

10 A. Can you rephrase?

11 BY MS. KRISHNAN:

12 Q. So many of the names provided
13 to the Office of Intelligence came from the
14 Canary Mission's website. And my question is:
15 Have analysts in the Office of Intelligence
16 identified additional student protesters from
17 their review of the Canary Mission's website?

18 A. I don't know.

19 Q. And have analysts in the Office
20 of Intelligence identified additional student
21 protesters from their review of Betar's
22 website?

23 A. I don't know.

24 Q. And do the names that have been
25 given to the Office of Intelligence from the

1 Canary Mission's website come from this -- that
2 the Canary -- withdrawn.

3 Does the -- what is the Canary Mission?

4 A. It is a website produced by
5 individuals who allege different types of
6 activities, usually related to Israel and
7 Palestine, that they have detected on their own
8 and on behalf of themselves.

9 Q. And have any of the names on
10 the list of names of student protesters that
11 you've received come from the Canary Mission?

12 A. From the website, yes.

13 Q. Has the Canary Mission
14 submitted names from its website?

15 A. No, not that I know of. Not to
16 the Office of Intel.

17 Q. Has Betar, to your knowledge,
18 submitted names from its website to ICE?

19 A. To the Office of Intel, no.

20 Q. What about to ICE?

21 A. I don't know.

22 Q. And has the Canary Mission
23 submitted names from its website to ICE?

24 A. I don't know.

25 Q. Did the Office of Intelligence

1 prepare a report of analysis on Mahmoud Khalil?

2 A. Yes.

3 Q. Did his name come from the
4 Canary Mission?

5 A. I don't recall where his name
6 came from.

7 Q. Did it come from his
8 leadership?

9 A. I don't recall where his name
10 came from.

11 Q. Has the -- or did the Office of
12 Intelligence prepare a report of analysis on
13 Mohsen Mahdawi?

14 A. Yes.

15 Q. Did his name come from the
16 Canary Mission's website?

17 A. I don't recall where his name
18 came from.

19 Q. At all?

20 A. At all.

21 Q. Did the Office of Intelligence
22 prepare a report of analysis on Rumeysa Ozturk?

23 A. Yes.

24 Q. And do you recall where her
25 name came from?

1 A. No.

2 Q. Do you recall whether it came
3 from his leadership?

4 A. I don't recall where it came
5 from.

6 Q. Did the Office of Intelligence
7 prepare a report of analysis on Yunseo Chung?

8 A. Yes.

9 Q. Where did her name come from?

10 A. I don't recall.

11 Q. Did the Office of Intelligence
12 prepare a report of analysis on Badar Khan
13 Suri?

14 A. Yes.

15 Q. Do you know where his name came
16 from?

17 A. No.

18 Q. What percentage -- I'm just
19 asking for approximation, but what percentage
20 of names of student protesters that were
21 provided to you came from the Canary Mission's
22 website?

23 A. Large percentage.

24 Q. 75 percent?

25 A. More than 75 percent.

1 Q. Close to 100?

2 A. No.

3 Q. What percentage of the names
4 came from Betar's website?

5 A. That, I don't know.

6 Q. So of the five individuals I
7 just mentioned, were you involved in compiling
8 the report of analysis?

9 A. No.

10 Q. Who in the Office of
11 Intelligence was?

12 MS. SAFAVI: Objection. Standing
13 objection on law enforcement privilege and also
14 objection on the classified information.

15 So I'm going to instruct you to answer
16 it accordingly.

17 A. The unit chief manages -- the
18 unit chief and section chiefs manage the
19 analyst's workload and would assign -- would
20 make the assignments of what the analyst works
21 on, what project or what individual.

22 BY MS. KRISHNAN:

23 Q. Were any senior officials
24 within the Office of Intelligence involved in
25 the compilation of the report of analysis in

1 any of these cases?

2 MS. SAFAVI: Standing objection.
3 Deliberative process privilege.

4 I instruct you to answer the question
5 to the best that you can without divulging
6 privileged information.

7 A. Can you define "involved in" or
8 clarify "involved in"?

9 THE COURT REPORTER: I'm sorry. What
10 was the first part of that?

11 THE WITNESS: Can you define
12 "involved in" or clarify "involved in"?

13 BY MS. KRISHNAN:

14 Q. Did any senior official in the
15 Office of Intelligence have to sign off on any
16 of these reports?

17 A. No --

18 Q. Did any senior officials in the
19 Office of Intelligence review any of these
20 reports before they were referred to the
21 National Security Division?

22 MS. SAFAVI: Objection. Form.

23 A. Can you rephrase?

24 BY MS. KRISHNAN:

25 Q. Well, let me start with you.

1 Did -- did you review the report of analysis on
2 any of these five individuals before they went
3 to the National Security Division?

4 A. No.

5 Q. Did Mr. Etter review any of
6 these reports of analysis before they went to
7 the National Security Division?

8 A. I don't believe so.

9 Q. Was there any senior official
10 who reviewed these reports of analysis in these
11 five cases before they went to the National
12 Security Division?

13 MS. SAFAVI: Objection. Form.

14 A. Can you rephrase?

15 BY MS. KRISHNAN:

16 Q. Did any senior official review
17 the reports of analysis in any of these five
18 cases before they went to the National Security
19 Division.

20 MS. SAFAVI: Objection. Form.

21 A. Before they went to the
22 National Security -- before -- can you
23 rephrase?

24 BY MS. KRISHNAN:

25 Q. So when I say "review," it's

1 not a term of art, it means read.

2 Did any senior official read any of the
3 reports of analysis of these five cases before
4 they went to the National Security Division?

5 MS. SAFAVI: Objection. Form.

6 A. Can you clarify "went"?

7 BY MS. KRISHNAN:

8 Q. Before they were provided to.

9 A. Yes. Before they were provided
10 to Mr. Watson.

11 BY MS. KRISHNAN:

12 Q. Who are those officials?

13 A. The ones I named.

14 Q. And I'm just going to confirm,
15 Mr. Gordon, Mr. Walker?

16 A. Yes.

17 Q. Mr. Stanley?

18 A. Yes.

19 Q. Have I left anyone out?

20 A. When he was there, Mr. Hammer.

21 Q. Mr. Hammer.

22 And, to your knowledge, was there a
23 reason that these officials reviewed these
24 reports of analysis before they were provided
25 to Mr. Watson?

1 A. Yes.

2 Q. What was that reason?

3 MS. SAFAVI: Standing objection and
4 instruction to answer to the extent it doesn't
5 reveal deliberative process, law enforcement
6 privilege, or classified information.

7 A. To -- to gain awareness on what
8 the analysts were producing. Awareness of what
9 they were saying.

10 BY MS. KRISHNAN:

11 Q. And did they want to gain
12 awareness because they had to report --
13 withdrawn.

14 Did they want to gain awareness because
15 they had to provide an update on the SEPV
16 program.

17 MS. SAFAVI: Objection. Form. Calls
18 for speculation.

19 A. You have to ask them why they
20 (ph).

21 BY MS. KRISHNAN:

22 Q. Do you know if any of these
23 four individuals provided updates on this
24 project to anyone senior to them?

25 A. I suspect, yes. Yeah.

1 Speculation. I'm speculating.

2 Q. I understand.

3 And who would they have provided
4 updates on this project?

5 MS. SAFAVI: Objection. Calls for
6 speculation, and also standing objection on
7 privilege.

8 So I instruct you to answer to the best
9 that you can without divulging privileged
10 information.

11 A. I speculate their supervisors
12 and seniors.

13 BY MS. KRISHNAN:

14 Q. Now, you'll have to tell me who
15 those people are.

16 A. The head of the -- EAD of his
17 works for the director of ICE.

18 Q. And who is the EAD of his?

19 A. That would be Tony Salisbury
20 and through the deputies that I mentioned,
21 which are Mr. Gordon and Mr. Hammer.

22 Q. Do you -- Mr. Gordon,
23 Mr. Walker, Mr. Stanley, and Mr. Hammer
24 typically review reports of analysis before
25 they are referred by the Office of

1 Intelligence?

2 A. Mr. Stanley is the unit chief,
3 so he is -- he works for Mr. Etter, works for
4 me.

5 Q. I see. I see.

6 A. Can you repeat the question?

7 Q. Do Mr. Gordon, Mr. Walker, and
8 Mr. Hammer typically review reports of analysis
9 before they are referred by the Office of
10 Intelligence?

11 MS. SAFAVI: Objection, speculation.
12 And objection, form.

13 A. Can you clarify whether you're
14 referring to the context of this effort or just
15 HSIY?

16 THE COURT REPORTER: Or just what?

17 THE WITNESS: HSIY. His. All of
18 his.

19 BY MS. KRISHNAN:

20 Q. I mean, outside of this effort.

21 A. They read ROAs, not as a matter
22 of course anymore than they -- not as a matter
23 of course.

24 Q. But within this effort they do?

25 A. For this effort, they read --

1 read some of the ROAs that were produced. Ones
2 that had been already reviewed by NSD, but not
3 formally referred to NSD for consideration of
4 the next step in the process which would be
5 forwarding to State Department.

6 Q. So if I understand correctly,
7 for a subset of the reports of analysis that
8 the Office of Intelligence produced on student
9 protesters, they were reviewed informally by
10 the National Security Division before they were
11 referred formally to that division?

12 MS. SAFAVI: Objection. Form.

13 A. Can you rephrase it?

14 BY MS. KRISHNAN:

15 Q. If I understand correctly, for
16 subset of the reports of analysis that your
17 office produced on student protesters, they
18 were reviewed informally by the National
19 Security Division before they were formally
20 referred to that division?

21 MS. SAFAVI: Objection. Form.

22 A. Can you rephrase?

23 BY MS. KRISHNAN:

24 Q. Do you not understand my
25 question?

1 A. The language you're using is
2 confusing.

3 Q. Oh, I see. I don't mean any of
4 the words that I'm using as terms of art and I
5 know that they are often terms of art within
6 Government agencies, and I do not have your
7 dictionary, unfortunately, so I am just using
8 them within their plain meaning.

9 So my -- my question is -- so I
10 understand that a subset of the reports of
11 analysis produced on student protesters were
12 read by the National Security Division before
13 they were formally sent in some way to that
14 division; is that correct?

15 A. All of the ROAs were reviewed
16 by special agent from the National Security
17 Division before being formally referred to the
18 National Security Division.

19 Q. Okay. So what distinguished
20 these five cases from other cases involving
21 student protesters where Mr. Gordon, Mr.
22 Walker, and Mr. Hammer didn't review the report
23 before it was sent to the National Security
24 Division in the first instance?

25 MS. SAFAVI: Standing objection and

1 standard instruction.

2 A. As an example, if during the
3 course of using the RO -- the report of
4 analysis we found out that the individual is
5 actually a U.S. person and not actually a
6 foreign student, as alleged by one of the
7 sources who provided them, we -- we would not
8 obviously forward that for review, to read
9 to -- to the National Security Division. It
10 would just be set aside.

11 BY MS. KRISHNAN:

12 Q. I'm trying to understand why
13 Mr. Gordon, Mr. Walker, and Mr. Hammer reviewed
14 the reports of analysis in these five cases but
15 not every report of analysis that was produced
16 by the Office of Intelligence on student
17 protesters.

18 MS. SAFAVI: Objection. Form. And
19 standing objection and instruction on
20 privilege.

21 MS. KRISHNAN: I haven't asked a
22 question yet.

23 MS. SAFAVI: Oh, yeah. Sorry.

24 BY MS. KRISHNAN:

25 Q. So my question is: How are

1 these five cases different?

2 MS. SAFAVI: Standing objection and
3 standard instruction.

4 A. These were the ones that were
5 going to be referred -- likely referred to
6 State Department for their consideration. And
7 the senior officials read the ROAs, they did
8 not review the ROAs. The term "review"
9 connotes approval and that's not what -- that's
10 not how the ROA process works.

11 BY MS. KRISHNAN:

12 Q. Did any of Mr. Gordon,
13 Mr. Walker, and Mr. Hammer provide an opinion
14 on whether the National Security Division
15 should forward any of these names to the State
16 Department?

17 MS. SAFAVI: Standing objection, and
18 I'll in -- I instruct you to answer the
19 question to the extent it doesn't disclose
20 deliberative or law enforcement privileges.

21 THE VIDEOGRAPHER: Could you fix your
22 mic, so it's --

23 MS. SAFAVI: Oh, sorry. Yes.

24 Do I need to repeat the objection?
25 Could you hear it?

1 So standing objection, and the
2 instruction go ahead and answer the question to
3 the best that you can without divulging
4 deliberative or law enforcement privilege.

5 A. To the best of my knowledge,
6 the conversations involved discussions -- is
7 this a good individual -- just should we refer
8 to this individual? Is there a violation of
9 law? What is the violation? Their -- and
10 discussions of the activity that was cited in
11 the report of analysis.

12 BY MS. KRISHNAN:

13 Q. And did any of Mr. Gordon,
14 Mr. Walker, and Mr. Hammer identify evaluation
15 of law in Mr. Khalil's case?

16 MS. SAFAVI: Objection. Form. And
17 standing objection and the instruction to go
18 ahead and answer the question without divulging
19 privileged information.

20 A. So I don't recall the details
21 in the report of analysis or the discussions
22 for those particular individuals.

23 BY MS. KRISHNAN:

24 Q. Why did you read the reports of
25 analysis on these five individuals before they

1 were shared with the National Security Division
2 in the first instance?

3 MS. SAFAVI: Objection. Form.

4 A. The question is confusing
5 because of the before or after language.

6 BY MS. KRISHNAN:

7 Q. When I say "before" I mean,
8 before the National Security Division forwards
9 the name to the State Department.

10 A. Now, can you repeat the
11 question?

12 Q. Okay. So my question is: Why
13 did you read the reports of analysis on these
14 five individuals before the National Security
15 Division forwarded their names to the State
16 Department?

17 A. I wanted to see what the
18 analysts were doing. I wanted to hear the
19 conversation about violations of law. I was
20 not part of the decision-making process on
21 whether or not to refer it. I was interested
22 in what the analysts who worked for me were
23 doing and what information they were gathering.

24 Q. And what violations before were
25 mentioned in Mr. Khalil's case?

1 MS. SAFAVI: Standing objection and
2 instruction, but go ahead and answer the
3 question to the extent that you can without
4 disclosing deliberative process privilege.

5 A. So I am not familiar with the
6 other ways to distinguish the details between
7 any of them or to recall by individual what
8 the -- what was in the ROA.

9 BY MS. KRISHNAN:

10 Q. And did you -- did you see any
11 reference to foreign policy in the ROAs of
12 these five individuals?

13 A. Not that I recall.

14 Q. Did you see any reference to
15 anti-Semitic activity in the ROAs of these five
16 individuals?

17 MS. SAFAVI: Objection. Form.

18 A. Can you rephrase?

19 Q. Did you see any mention of
20 anti-Semitic activity in the ROAs of these five
21 individuals?

22 A. I don't recall ever seeing the
23 word "anti-Semitic." It wouldn't be a -- it
24 wouldn't be the analyst's job to determine
25 whether activity was anti-Semitic.

1 Q. Did you see any mention of
2 Hamas in the ROAs of these five individuals?

3 A. Can you repeat that? Sorry.

4 Q. Uh-huh.

5 Did you see any mention of Hamas in the
6 ROAs of these five individuals?

7 A. I don't recall any of the
8 information in the ROAs for those individuals
9 who --

10 THE COURT REPORTER: For those
11 individuals who?

12 THE WITNESS: For those individuals
13 that you mentioned.

14 BY MS. KRISHNAN:

15 Q. Were these five cases difficult
16 cases?

17 MS. SAFAVI: Objection. Form.

18 A. Can you define "difficult"?

19 BY MS. KRISHNAN:

20 Q. I just mean it in the plain
21 meaning of that term.

22 A. So I can only make a judgment
23 on difficulty as it pertains to analysis. The
24 production of these ROAs is not what I would
25 consider to be complex.

1 Q. Do you re- -- did Mr. Gordon,
2 Mr. Walker, or Mr. Hammer find these to be
3 difficult cases?

4 MS. SAFAVI: Objection. Speculation.
5 BY MS. KRISHNAN:

6 Q. If these weren't difficult
7 cases, why did they need to weigh in?

8 MS. SAFAVI: Objection. Form.
9 Mischaracterization of his testimony.

10 BY MS. KRISHNAN:

11 Q. Yeah, you can answer.

12 A. It was not complex analysis.
13 Term of art, analysis is not the same as a
14 case.

15 Q. Mr. Gordon, Mr. Walker, and
16 Mr. Hammer don't review every report of
17 analysis produced on a student protester; is
18 that correct?

19 A. Yes.

20 Q. So why these five reports of
21 analysis?

22 A. We --

23 MS. SAFAVI: Objection. Standing
24 objection to the extent it calls for
25 deliberative process privilege.

1 Go ahead and answer the question as
2 best that you can without divulging privileged
3 information.

4 A. I'm speculating that they were
5 also interested in what the analysts were
6 finding and that -- and that these referrals
7 were going to State Department.

8 BY MS. KRISHNAN:

9 Q. Fair to say that there was more
10 discussion than usual about these five student
11 protesters because this was still early on in
12 this new line of effort?

13 MS. SAFAVI: Objection. Form.

14 A. Can you rephrase?

15 BY MS. KRISHNAN:

16 Q. Is it fair to say that there
17 was more discussion than usual about these five
18 student protesters because this was still early
19 on in a new line of effort?

20 MS. SAFAVI: Objection. Form.

21 A. We have been investigating
22 foreign students for violations of U.S. law for
23 a long time.

24 BY MS. KRISHNAN:

25 Q. This process is new, correct?

1 MS. SAFAVI: Objection. Form.

2 A. Can you clarify which

3 "process"?

4 BY MS. KRISHNAN:

5 Q. The process where the Office of
6 Intelligence researches and analyzes student
7 protesters and these reports are shared with
8 the National Security Division, which, in turn,
9 forwards some of these student protesters to
10 the State Department.

11 A. Yes, it was -- it is rare for
12 us to have used that process in the past.
13 However, it's my understanding that we may have
14 used it in the past. So you can't call it a
15 new line of effort.

16 Q. Okay. Well, during your tenure
17 as the senior most official at the Office of
18 Intelligence, is there any occasion you can
19 remember where the office used this process
20 before 2025?

21 A. No.

22 Q. Have you seen the Canary
23 Mission's website?

24 A. Yes.

25 Q. Okay. And have you seen

1 Betar's website?

2 A. No.

3 Q. Okay. Any reports of analysis
4 in these five cases include information about
5 the individual's history inside the U.S.?

6 A. Yes.

7 Q. Did it contain biographical --
8 did they contain biographical information?

9 MS. SAFAVI: Objection. Asked and
10 answered.

11 MS. KRISHNAN: I believe I asked
12 about reports of analysis generally before.
13 I'm asking about these five.

14 A. All reports of analysis contain
15 biographical information on what they're
16 reporting on individuals.

17 BY MS. KRISHNAN:

18 Q. Okay. Did the reports of
19 analysis in these five cases contain any
20 reference to social media?

21 A. I don't recall the specific
22 details of any of these.

23 Q. Did any of the reports of
24 analysis in these five case -- any of these
25 five cases mention the possibility of Visa

1 revocation?

2 A. No.

3 Q. Did any of these reports of
4 analysis in these five cases mention the
5 possibility of a State Department determination
6 that they pose foreign policy concerns?

7 MS. SAFAVI: Objection. Form.

8 A. Rephrase.

9 BY MS. KRISHNAN:

10 Q. Did any of the reports of
11 analysis in these five cases mention the
12 possibility of a State Department determination
13 about foreign policy?

14 A. No.

15 Q. Were the reports of analysis in
16 these five cases prepared with the possibility
17 that the State Department would make a
18 determination about foreign policy?

19 MS. SAFAVI: Objection. Speculation.
20 And standing objection and instruction to
21 privileged information.

22 So go ahead and answer the question now
23 to the best that you can without disclosing
24 deliberative process privilege.

25 A. The -- the analyst just present

1 the facts. They don't make determinations and
2 they don't -- their objective is to consider
3 the facts, not policy ramifications.

4 BY MS. KRISHNAN:

5 Q. Has the Office of Intelligence
6 received any information about what America's
7 foreign policy interests are this year?

8 MS. SAFAVI: Objection. Form.

9 A. Can you restate it?

10 BY MS. KRISHNAN:

11 Q. Has the Office of Intelligence
12 received any information about what America's
13 foreign policy interests are this year?

14 THE COURT REPORTER: This year?

15 MS. KRISHNAN: Yeah.

16 MS. SAFAVI: Objection. Form.

17 THE WITNESS: We have not received --

18 BY MS. KRISHNAN:

19 Q. Has -- has the Office of
20 Intelligence been given any information about
21 what America's foreign policy interests are in
22 2025?

23 A. No. Sorry.

24 MS. SAFAVI: That's okay. Standing
25 objection and instruction.

1 BY MS. KRISHNAN:

2 Q. Has the Office of Intelligence
3 been given any information about U.S. foreign
4 policy this year?

5 A. No.

6 Q. Does the process for sharing a
7 report of analysis to the National Security
8 Division in the case of a student protester
9 vary depending on whether the subject is a Visa
10 holder or a permanent resident?

11 THE COURT REPORTER: Or a what?

12 MS. KRISHNAN: Permanent resident.

13 MS. SAFAVI: Standing objection and
14 instruction to the extent that it potentially
15 calls for a deliberative process privilege.

16 THE WITNESS: No.

17 BY MS. KRISHNAN:

18 Q. How do analysts within your
19 office know what to look for in their research
20 and analysis of a specific student protester?

21 MS. SAFAVI: Standing objection and
22 instruction.

23 A. In general terms, they would
24 include descriptions of activities that -- that
25 would relate to violations of law.

1 BY MS. KRISHNAN:

2 Q. So how does an analyst in the
3 Office of Intelligence determine whether
4 information is relevant to a potential
5 violation of law in a case of a student
6 protester?

7 MS. SAFAVI: Standing objection and
8 instruction.

9 Go ahead and answer the question to the
10 best that you can without disclosing privileged
11 information.

12 A. If an analyst is looking at an
13 individual who is at a protest, they would look
14 at their activities. And any activity that
15 appeared to be a violation of law they would
16 include in the report.

17 BY MS. KRISHNAN:

18 Q. Would they -- and would they
19 specify the violation for they believe the
20 information to be relevant to?

21 MS. SAFAVI: Standing objection and
22 instruction.

23 A. They -- they conclude that on
24 the report of analysis.

25 BY MS. KRISHNAN:

1 Q. And do you recall seeing
2 information about the relevant violation in any
3 of these five reports of analysis?

4 A. I don't recall. Sorry.

5 MS. SAFAVI: That's okay. Standing
6 objection and instruction.

7 BY MS. KRISHNAN:

8 Q. Do analysts get anything more
9 than the name of the student protester when
10 they are assigned to look into that individual?

11 MS. SAFAVI: Standing objection and
12 instruction.

13 A. Can you rephrase or repeat?
14 Clarify.

15 BY MS. KRISHNAN:

16 Q. Do analysts get anything more
17 than the name of a student protester when they
18 are asked to research that individual?

19 A. Yes.

20 Q. What information besides the
21 name do they get?

22 MS. SAFAVI: Standing objection and
23 instruction.

24 A. As I recall, they could get
25 what protests they were at. They could get the

1 suspected nationality. Other than that, I
2 don't recall.

3 BY MS. KRISHNAN:

4 Q. And who compiles information
5 about protests that a protester may
6 have attended?

7 MS. SAFAVI: Standing objection and
8 instruction.

9 A. I'd be speculating, but it
10 could be anybody.

11 BY MS. KRISHNAN:

12 Q. Does that information come from
13 the Canary Mission in many of these cases?

14 A. Yes.

15 Q. Does it come from the Canary
16 Mission in most of these cases?

17 A. Yes.

18 Q. Does it come from Betar in any
19 of these cases?

20 A. Yes. Again, I don't know the
21 overlap between Betar and Canary Mission.

22 Q. Understood.

23 So in the case of a student protester,
24 really any individual there are many, many
25 potential violations of law they could be

1 looking for, what potential violations are
2 analysts focused on in the case of student
3 protesters?

4 MS. SAFAVI: Standing objection --

5 THE COURT REPORTER: I'm sorry. I'm
6 sorry. Hold on.

7 Could you keep your voice up at the
8 end. You're trailing off and I'm not
9 understanding.

10 Could be looking for, what potential
11 violations are analysts focused? In the case
12 of a student protester --

13 MS. KRISHNAN: Focused on in the
14 cases of student protesters.

15 THE COURT REPORTER: Okay.

16 MS. SAFAVI: And then standing
17 objection and instruction.

18 THE WITNESS: Title 8.

19 THE COURT REPORTER: I'm sorry?

20 THE WITNESS: Title 8.

21 BY MS. KRISHNAN:

22 Q. Title 8 contains a lot of
23 potential violations.

24 Has that range of violations been
25 narrowed in any way in the case of student

1 protesters and analysts being asked to analyze?

2 MS. SAFAVI: Standing objection and
3 instruction.

4 A. Those relating to national
5 security and public safety.

6 BY MS. KRISHNAN:

7 Q. Does that include the
8 provisions of Title 8 that give the State
9 Department the ability to determine that
10 somebody poses adverse consequences to U.S.
11 foreign policy?

12 MS. SAFAVI: Objection, form.
13 Objection, calls for a legal conclusion. And
14 standing objection and instruction to the
15 witness.

16 A. Yeah, can you rephrase?

17 BY MS. KRISHNAN:

18 Q. You said, "those relating to
19 national security and public safety." Which
20 provisions of Title 8 did you have in mind when
21 you said that?

22 A. It was related to national
23 security and public safety. I cannot give you
24 chapter and verse.

25 Q. Can you tell me which

1 violations came up often in the case of student
2 protesters?

3 MS. SAFAVI: Standing objection and
4 instruction to the witness.

5 A. No.

6 BY MS. KRISHNAN:

7 Q. Which violations are most
8 relevant to the two executive orders that we've
9 been talking about?

10 MS. SAFAVI: Standing objection and
11 instruction to the witness.

12 A. I can't -- I can't determine
13 that.

14 BY MS. KRISHNAN:

15 Q. When an analyst -- withdrawn.
16 Let's talk about the category of
17 student protesters for whom there is no
18 information but they engaged in criminal
19 activity, which is to say a violation of
20 criminal law. So we're putting them to one
21 side.

22 For other student protesters, what
23 potential violations of law are most relevant
24 to an analyst analysis?

25 MS. SAFAVI: Objection, form. And

1 objection -- standing objection on privilege,
2 law enforcement, deliberative and then
3 instruction to the witness, and calls for
4 speculation.

5 A. Your question confused me.

6 BY MS. KRISHNAN:

7 Q. Okay. If a student protester
8 hasn't violated criminal law, what potential
9 violations of Title 8 are relevant to an
10 analyst research on a student protester?

11 THE COURT REPORTER: On what?

12 MS. KRISHNAN: On a student
13 protester.

14 MS. SAFAVI: Objection, form.
15 Objection, speculation. And standing objection
16 on privileged and instruction to the witness.

17 THE WITNESS: The analysts were
18 looking for violations of Title 8 which are
19 violations of criminal law.

20 BY MS. KRISHNAN:

21 Q. In your understanding, does the
22 State Department --

23 MS. SAFAVI: Can we get a time -- how
24 much time is left?

25 THE VIDEOGRAPHER: We're at almost at

1 six hours.

2 MS. SAFAVI: We're at almost six
3 hours?

4 THE VIDEOGRAPHER: Just about.

5 MS. SAFAVI: Okay.

6 BY MS. KRISHNAN:

7 Q. And who from the Office of
8 Intelligence worked on Mr. Khalil's case?

9 MS. SAFAVI: Objection. Asked and
10 answered. And standing instruction -- standing
11 objection and instruction to the witness.

12 A. I don't know which analyst and
13 which report of analysis.

14 MS. KRISHNAN: I'm going to hand off
15 another document which is the certified
16 administrative record produced by the
17 Government in this case.

18 (Exhibit 4 was marked.)

19 BY MS. KRISHNAN:

20 Q. Could you go to page 18 -- the
21 page numbers?

22 MS. SAFAVI: Can my witness have a
23 chance, please, to actually review -- have you
24 had enough time to look this through?

25 MS. KRISHNAN: I'm not asking him to

1 review the whole thing.

2 Can I specify the document I'm going to
3 be asking about?

4 MS. SAFAVI: Okay. But I still think
5 he needs to know what it is that he got --

6 MS. KRISHNAN: It's a collection of
7 document that's 50 pages. It's the entire
8 administrative record that the Government
9 provided in this case.

10 MS. SAFAVI: Okay.

11 MS. KRISHNAN: I am only asking
12 questions for now about pages 18 and 19.

13 MS. SAFAVI: Okay.

14 A. My document does not have page
15 numbers.

16 BY MS. KRISHNAN:

17 Q. And so they're at the very
18 bottom. If you can see, there's a stamp on
19 every page that says AUPCAR and then a number,
20 and I would like you to turn to CAR 18?

21 A. Okay.

22 Q. Have you seen this document
23 before?

24 A. No.

25 Q. What do you recognize it as?

1 MS. SAFAVI: Objection. Form.

2 BY MS. KRISHNAN:

3 Q. Do you see the title
4 "Notification of Removability Determinations"
5 under Section 237(a)(4)(C)?

6 THE COURT REPORTER: (A)(4)(C).

7 MS. KRISHNAN: Of the Immigration and
8 Nationality Act.

9 THE WITNESS: Yes.

10 BY MS. KRISHNAN:

11 Q. And do you see above that it
12 says, "from," and then it says, "Marco Rubio"?

13 A. Yes.

14 Q. Okay. The first sentence says,
15 [As read] "I'm writing to inform you that upon
16 notification from the Department of Homeland
17 Securities, Homeland Security Investigations on
18 March 7, 2025, I have determined that,"
19 redacted, "and Mahmoud Khalil," date of birth
20 redacted,
21 "POB Algeria, both U.S. lawful residents LPRs
22 are deportable aliens under INA Section
23 237(a)(4)(C)."

24 Do you see that?

25 A. Yes.

1 Q. Do you understand notification
2 from the Department of Homeland Securities,
3 his, to refer to the letter not the National
4 Security Division sent in his case?

5 MS. SAFAVI: Standing objection.
6 Instruction and -- objection, speculation.

7 A. Appears so.

8 BY MS. KRISHNAN:

9 Q. At the top of the third
10 paragraph it states, [As read] "Pursuant to
11 these authorities, I have determined that the
12 activities of these aliens in the United
13 States, which would have potentially serious
14 adverse on policy consequences and would
15 compromise a compelling foreign policy
16 interest."

17 Do you know what these determinations
18 were based on?

19 MS. SAFAVI: Objection. Calls for a
20 legal conclusion.

21 A. I don't know.

22 BY MS. KRISHNAN:

23 Q. Okay. The next sentence says,
24 [As read] "These determinations are based on
25 information provided DHS, ICE, HSI regarding

1 the participation and roles," of redacted --
2 "and Khalil and anti-Semitic protests."

3 THE COURT REPORTER: I'm sorry.
4 You'll have to slow down when you're reading
5 and read a little clearer for me because I
6 don't have the document.

7 BY MS. KRISHNAN:

8 Q. "These determinations are based
9 on information provided by DHS, ICE, HSI
10 regarding the participation and roles of,"
11 redacted, "and Khalil and anti-Semitic
12 protests."

13 What do you understand "information
14 provided by DHS, ICE, HSI to refer to"?

15 MS. SAFAVI: Objection. Speculation.

16 A. Can you rephrase?

17 BY MS. KRISHNAN:

18 Q. Do you understand -- withdrawn.

19 Is the report of analysis produced by
20 the Office of Intelligence included in the
21 information that Mr. Watson forwards to the
22 State Department in the context we've been
23 talking about?

24 A. Yes.

25 Q. If you look at the attachment

1 section on page 19, it says, [As read] "Tab 2,
2 HSI, subject" -- withdrawn.

3 Go to tab 5. It says there, [As read]
4 "Tab 5, HSI is subject profile of Mahmoud
5 Khalil."

6 Do you understand that document to be
7 the report of analysis produced in his case?

8 A. Yes.

9 Q. Okay. In tab 3, DHS letter on
10 Mahmoud Khalil, do you understand that to be a
11 reference to the letter that Mr. Watson
12 forwards to the State Department in these
13 cases?

14 A. Yes.

15 MS. KRISHNAN: So the court reporter
16 has told us that they need to leave now. Since
17 we have some time remaining, the court reporter
18 has, I think, identified someone who can
19 relieve her via Zoom.

20 Is that amenable to you?

21 MS. SAFAVI: It works for me. Great.
22 Yeah, let's do it.

23 MS. KRISHNAN: Okay. Thank you so
24 much. We'll go off the record.

25 THE VIDEOGRAPHER: Time is 19:04 and

1 we are off the record.

2 (Proceedings suspended at 7:04 p.m.)

1 PETER HATCH,

2 Previously sworn, continues examination as follows:

3 EXAMINATION BY MS. KRISHNAN:

4 THE VIDEOGRAPHER: The time is 19:25
5 and we are back on the record.

6 Q. Okay. Mr. Hatch, let's return to
7 page 19 of the document marked Exhibit 4.

8 Do you see the third sentence on that
9 page, it says the words "fosters a hostile
10 environment"?

11 A. Yes.

12 Q. Does the term "hostile environment"
13 appear in any report of analysis concerning a student
14 protestor that you have reviewed?

15 MS. SAFAVI: Standing objection and
16 instruction.

17 A. I don't recall seeing the words
18 "hostile environment."

19 BY MS. KRISHNAN:

20 Q. Have you heard the term "hostile
21 environment" in any discussions you have been a part
22 of about this line of effort?

23 A. Not that I recall.

24 Q. Okay.

25 Can you turn to the next page?

1 MS. SAFAVI: Let the record reflect,
2 we're on page 20.

3 BY MS. KRISHNAN:

4 Q. What is this document?

5 A. A Notice to Appear.

6 Q. And do you see that it is in the case
7 of Mr. Khalil?

8 A. Yes.

9 Q. Which division or program or office
10 in ICE would have issued this Notice to Appear?

11 A. Not mine.

12 Q. Do you know which part of ICE --

13 A. No.

14 Q. -- would have issued this Notice to
15 Appear?

16 Do you know which part of ICE,
17 typically, issues Notices to Appear?

18 A. No.

19 Q. Which part of ICE would have decided
20 whether to arrest Mr. Khalil?

21 A. Again, not mine.

22 Q. But do you know which part of ICE
23 decided whether to arrest Mr. Khalil?

24 A. Office of Intelligence does not
25 arrest anybody. I would speculate that this is

1 whatever relevant investigative office was handling
2 this particular case.

3 Q. Do you know which investigative
4 office was handling Mr. Khalil's case?

5 A. I don't know.

6 Q. Which part of ICE is, typically,
7 responsible for deciding whether to arrest a visa
8 holder or permanent resident?

9 MS. SAFAVI: Objection; form.

10 A. Can you -- can you rephrase?

11 BY MS. KRISHNAN:

12 Q. Which part of ICE, in the ordinary
13 course, would decide whether to arrest a noncitizen?

14 A. The relevant domestic office.

15 Q. Of HSI?

16 A. Of HSI.

17 Can you put the whole sentence
18 together?

19 Q. My question is: Which part of ICE,
20 in the ordinary course, would decide whether to
21 arrest a noncitizen?

22 MS. SAFAVI: Objection; form.

23 A. Could be anybody with arrest powers.
24 Can you clarify?

25 Q. Well, which parts of ICE conduct

1 arrests?

2 A. ERO and HSI.

3 Q. And when does HSI conduct arrests?

4 A. You're talking about the operational
5 investigative side of HSI and ICE and I am on the
6 intelligence side.

7 Q. Uh-huh.

8 A. That's not my expertise.

9 Q. I know that you're not responsible
10 for it. But as somebody that's worked in HSI for
11 some time now, do you know which part of HSI conducts
12 arrests?

13 MS. SAFAVI: Objection; speculation
14 and also standing objection and instruction to the
15 witness regarding privileged information, law
16 enforcement sensitive information.

17 A. In general, the domestic offices make
18 the majority of arrests by HSI.

19 BY MS. KRISHNAN:

20 Q. And what distinguishes instances
21 where ERO would conduct the arrest versus HSI?

22 A. I don't know.

23 Q. In your understanding -- and I know
24 that you don't have responsibility for this area,
25 but -- in your understanding, in what circumstances

1 would ICE usually arrest a noncitizen before serving
2 them with a Notice to Appear?

3 A. I don't know.

4 MS. SAFAVI: Objection; form; and
5 calls for speculation.

6 BY MS. KRISHNAN:

7 Q. To your knowledge, does ICE ever give
8 a noncitizen the chance to surrender rather than
9 being arrested?

10 MS. SAFAVI: Objection; form.

11 A. Can you rephrase?

12 BY MS. KRISHNAN:

13 Q. In cases where ICE intends to issue a
14 Notice of Appear, does it ever give a noncitizen the
15 chance to surrender to the agency, rather than being
16 arrested?

17 MS. SAFAVI: Yeah, objection; form.

18 A. I am unfamiliar with arrest
19 procedures.

20 BY MS. KRISHNAN:

21 Q. Can you turn to page 23 of the
22 document, of Exhibit 4?

23 MS. SAFAVI: Of the Certified
24 Administrative Record.

25 THE DEPONENT: Okay.

1 BY MS. KRISHNAN:

2 Q. What is this document?

3 A. I don't know.

4 Q. Do you see the title: "Additional
5 Charges of Inadmissibility/Deportability"?

6 A. Yes.

7 Q. Do you see that this is a document
8 relating to Mr. Khalil?

9 A. Yes.

10 Q. Were you aware that additional
11 charges had been laid in Mr. Khalil's case?

12 A. No.

13 Q. Did the Office of Intelligence
14 prepare more than one report of analysis on
15 Mr. Khalil?

16 A. I believe it was only one.

17 Q. Was the Office of Intelligence asked
18 to look into Mr. Khalil at any point after he had
19 been arrested?

20 A. I don't know.

21 Q. Who would know?

22 A. The unit chief.

23 MS. SAFAVI: A standing objection and
24 instruction to the witness.

1 BY MS. KRISHNAN:

2 Q. Mr. Stanley?

3 A. Yes.

4 Q. Can you go to page 26 of the
5 certified exhibit -- the Certified Administrative
6 Record which is marked Exhibit 4?

7 A. Okay.

8 Q. Do you see the subject line
9 "Determination of Deportability"?

10 A. Yes.

11 Q. And do you see above that, it says
12 "Marco Rubio"?

13 A. Yes.

14 Q. Okay. And do you see, in the third
15 sentence, a reference to Mohsen Mahdawi?

16 A. Yes.

17 Q. Was a report of analysis forwarded to
18 the State Department in Mr. Mahdawi's case?

19 A. Yes.

20 Q. Please look at the sentence starting
21 at the bottom of page 26 and running on to the top of
22 page 27.

23 Please tell me when you've read that
24 sentence.

25 A. I've read it.

1 Q. Do you recall seeing any report of
2 analysis that refers to pro-Palestinian protests?

3 MS. SAFAVI: Objection; form.

4 A. Can you rephrase?

5 BY MS. KRISHNAN:

6 Q. Do you recall seeing any report of
7 analysis that mentions pro-Palestinian protests?

8 A. Yes.

9 Q. Approximately how many reports have
10 you seen mentioning pro-Palestinian protests?

11 A. I don't know.

12 Q. Are we more than 20?

13 A. No.

14 Q. More than ten?

15 A. Maybe around 10.

16 Q. And have you seen any Report of
17 Analysis mentioning calling for Israel's destruction?

18 A. Yes.

19 Q. Have you seen more than ten reports
20 mentioning calling for Israel's destruction?

21 A. No.

22 Q. Have you seen about five?

23 A. Yes, about five.

24 Q. In your understanding, does the
25 phrase "from the river to the sea, Palestine will be

1 free" call for Israel's destruction?

2 MS. SAFAVI: Objection. Objection.
3 Form and speculation.

4 BY MS. KRISHNAN:

5 Q. I'm just asking about your own
6 understanding.

7 A. Can you rephrase? Repeat the
8 question.

9 Q. In your understanding, does the
10 phrase "from the river to the sea, Palestine will be
11 free" call for Israel's destruction?

12 A. I don't know.

13 Q. How would an analyst researching a
14 student protestor know whether a given statement
15 calls for Israel's destruction?

16 MS. SAFAVI: Objection; form.

17 A. Can you rephrase?

18 BY MS. KRISHNAN:

19 Q. How would an analyst in the Office of
20 Intelligence who was researching a student protestor
21 know whether a given statement calls for Israel's
22 destruction?

23 A. The analyst's job would be to
24 describe or include the statement in the Report of
25 Analysis. It's not the analyst's job or the Office

1 of Intelligence's job to make a determination on what
2 was meant by that statement.

3 Q. Has the Canary -- withdrawn.

4 Does the Canary Mission website
5 mention calling for Israel's destruction insofar as
6 you have seen the website?

7 A. It's a confusing question.

8 Q. Uh-huh.

9 A. The Canary Mission website doesn't
10 call for Israel's destruction.

11 Q. No, I know. Let me clarify.

12 Canary Mission website contains
13 information about various individuals, correct?

14 A. Yes.

15 Q. And in those descriptions of
16 individuals, have you seen any mention of calling for
17 Israel's destruction?

18 A. I have seen allegations of students
19 calling for -- allegations that someone made a
20 statement about -- that meant Israel's destruction.

21 Q. And if an analyst came across such a
22 description in the course of compiling information on
23 the individual that they were researching, would they
24 include that allegation in their Report of Analysis?

25 A. No.

1 Q. So if the Canary Mission described a
2 person as calling for the destruction of Israel and
3 an analyst was producing a Report of Analysis on that
4 individual, would they note the Canary Mission's
5 allegations?

6 MS. SAFAVI: Objection; form.

7 A. Rephrase, please.

8 BY MS. KRISHNAN:

9 Q. If an analyst is producing a Report
10 of Analysis on a student protestor who is on the
11 Canary Mission's website, would they include the
12 Canary Mission's allegations in the information that
13 they compile as part of the Report of Analysis?

14 A. No.

15 Q. So how would an analyst use the
16 information they see on the Canary Mission's website
17 when compiling a Report of Analysis?

18 MS. SAFAVI: Standing objection and
19 instruction to the witness.

20 A. If Canary Mission alleged that
21 someone was anything, the analyst would go to the
22 source material, review the activities of the
23 person -- of the individual and describe in the
24 Report of Analysis what the facts were, not what
25 the -- someone alleged they were.

1 BY MS. KRISHNAN:

2 Q. So they would have to make their own
3 finding -- withdrawn.

4 Why is the Canary Mission a source of
5 investigative leads in this line of effort?

6 MS. SAFAVI: Objection; form.

7 A. Can you rephrase?

8 BY MS. KRISHNAN:

9 Q. Why is the Canary Mission a source of
10 investigative leads in this line of effort?

11 MS. SAFAVI: Objection; form.

12 A. Can you clarify?

13 BY MS. KRISHNAN:

14 Q. A large volume of the names that have
15 been given to the Office of Intelligence come from
16 the Canary Mission and my question is why the Canary
17 Mission is a source of these investigative leads in
18 this line of effort?

19 MS. SAFAVI: Objection; form.

20 A. You're asking me to speculate why
21 someone sent us the Canary Mission website?

22 BY MS. KRISHNAN:

23 Q. Yes, in your understanding.

24 A. I'd have to speculate that it
25 contained allegations of -- of violations of U.S.

1 law.

2 Q. Does --

3 A. It contained allegations against
4 students.

5 Q. Does the Canary Mission website
6 mention any violations of U.S. law?

7 A. The -- to my knowledge, the Canary
8 Mission website does not cite U.S. law.

9 Q. And how does an analyst know whether
10 to include information from the Canary Mission
11 website in their Report of Analysis on a student
12 protestor?

13 MS. SAFAVI: Standing objection and
14 instruction.

15 A. The same process I described before,
16 when we get an individual to research, they go
17 through the same process I described before to
18 conduct that research and analysis.

19 BY MS. KRISHNAN:

20 Q. Can you turn to page 34 of the
21 Certified Administrative Record that is marked as
22 Exhibit 4?

23 Do you see the subject line:
24 Revocation of visa, Rumeysa Ozturk.

25 A. Yes.

1 Q. And do you see the "From" line above
2 that that says John L. Armstrong, Senior Bureau
3 Official?

4 A. Yes.

5 Q. The first sentence says -- withdrawn.
6 The first sentence mentions a, quote:
7 Request from DHS, ICE, closed quote.

8 Do you understand that to refer to a
9 request for visa revocation provided by the National
10 Security Division?

11 A. I'm not aware of the details of the
12 communications between National Security Division and
13 State Department.

14 Q. Based on your knowledge of the
15 process that we've been talking about, would this
16 request have come from the National Security
17 Division?

18 A. I would assume, yes.

19 Q. Do you see the -- please go to Line
20 5, which mentions coauthoring an op-ed.

21 Is that the kind of activity the
22 analyst, in Ms. Ozturk's case, would have included in
23 their Report of Analysis?

24 MS. SAFAVI: Standing objection and
25 instruction.

1 A. Yes, it could be included in a Report
2 of Analysis.

3 BY MS. KRISHNAN:

4 Q. Have you seen the op-ed referred to
5 in that sentence?

6 A. I have not read the op-ed.

7 Q. Have you read any description of that
8 op-ed?

9 MS. SAFAVI: Objection; form.

10 A. Can you rephrase?

11 BY MS. KRISHNAN:

12 Q. Have you read any description of
13 Ms. Ozturk?

14 MS. SAFAVI: Objection; form.

15 A. I've read the ROA.

16 BY MS. KRISHNAN:

17 Q. And that ROA included mention of an
18 op-ed?

19 A. I assume, yes.

20 Q. Do you know that it was an op-ed that
21 she published in her school newspaper?

22 A. It probably said so in the ROA.

23 Q. Do you recall what the op-ed was
24 about?

25 A. I don't recall any of the details

1 from this ROA.

2 Q. Do you recall the op-ed being
3 described as anti-Israel?

4 MS. SAFAVI: Objection; asked and
5 answered.

6 THE REPORTER: What was the answer?

7 MS. KRISHNAN: He didn't respond.

8 BY MS. KRISHNAN:

9 Q. Could you respond?

10 A. Could you repeat the question?

11 Q. Do you recall the op-ed being
12 described as anti-Israel?

13 MS. SAFAVI: Objection; asked and
14 answered.

15 A. I don't recall any of the details of
16 the ROA.

17 BY MS. KRISHNAN:

18 Q. Was the op-ed found from her Canary
19 Mission profile?

20 A. I don't know how they found the
21 op-ed.

22 Q. Can you go to the last sentence?

23 It says: "Due to ongoing ICE
24 operational security, this revocation will be
25 silent."

1 Do you understand what a "silent
2 revocation" refers to?

3 A. No.

4 MS. SAFAVI: Objection; form.

5 BY MS. KRISHNAN:

6 Q. To your knowledge, has ICE requested
7 that any visa revocations -- withdrawn.

8 To your knowledge, has ICE requested
9 that the State Department not notify a visa holder of
10 their impending revocation in any case involving a
11 student protestor?

12 MS. SAFAVI: Objection; form.

13 A. Can you rephrase?

14 BY MS. KRISHNAN:

15 Q. To your knowledge, has ICE requested
16 that the State Department not notify a visa holder
17 that their visa will be revoked in any case involving
18 a student protestor?

19 MS. SAFAVI: Objection; calls for
20 speculation; also a standing objection and
21 instruction to the witness.

22 A. I'm not part of the revocation
23 process after -- post-ROA development.

24 BY MS. KRISHNAN:

25 Q. I understand that arrests are not

1 your responsibility, revoking visas is not something
2 that the Office of Intelligence does.

3 I'm asking for your understanding
4 based -- as one of the senior officials in HSI.

5 A. I don't know the answer.

6 Q. If you go to -- go back to Lines 5
7 and 6. It notes that there was information
8 indicating that she had coauthored an op-ed that
9 found common cause with an organization that was
10 later temporarily banned from campus.

11 Why is it significant if Ms. Ozturk
12 coauthored an op-ed?

13 MS. SAFAVI: Objection; speculation;
14 calls for a legal conclusion and standing objection
15 and instruction to the witness.

16 MS. KRISHNAN: I hadn't finished my
17 question.

18 MS. SAFAVI: Okay.

19 MS. KRISHNAN: Yes.

20 BY MS. KRISHNAN:

21 Q. My question is: Why is it
22 significant that her op-ed found common cause with an
23 organization that was subsequently banned from
24 campus?

25 MS. SAFAVI: Objection; speculation;

1 calls for a legal conclusion and standing objection
2 and instruction to the witness.

3 A. Again, the job of the analyst is to
4 report what they find, report the facts they find,
5 not to make the determination.

6 BY MS. KRISHNAN:

7 Q. But do analysts, typically, include
8 information that is irrelevant to a determination
9 whether someone is in violation of Title 8?

10 MS. SAFAVI: Objection; form.

11 A. Can you rephrase?

12 BY MS. KRISHNAN:

13 Q. Do analysts, typically, include
14 information that is irrelevant to whether someone is
15 in violation of U.S. Law, including Title 8?

16 A. No. If they were making a statement
17 about the Yankees, it would not be in the Report of
18 Analysis, but anything related to suspicion of an
19 offense can be put in a Report of Analysis as long as
20 it's factual.

21 Q. So in your understanding, how is
22 coauthoring an op-ed that found common cause with an
23 organization that was subsequently banned from campus
24 relevant to any violation of U.S. law?

25 MS. SAFAVI: Objection; form.

1 A. Can you rephrase?

2 BY MS. KRISHNAN:

3 Q. In your understanding, how is
4 coauthoring an op-ed that found common cause with an
5 organization that was subsequently banned from campus
6 relevant to any violation of U.S. law?

7 MS. SAFAVI: Objection; form;
8 speculation; calls for a legal conclusion.

9 A. So you're asking me to speculate when
10 it's the job of the analyst to put in relevant
11 information and that relevant information might
12 not -- may or may not affect the determination.

13 BY MS. KRISHNAN:

14 Q. In response to my question: Do
15 analysts, typically, include information that is
16 irrelevant to whether someone is in violation of U.S.
17 law, including Title 8, you said no.

18 So I'm trying to understand why
19 information about this op-ed was included in the
20 Report of Analysis on Ms. Ozturk.

21 Is drafting an op-ed that is
22 published in a school newspaper relevant to any
23 violation of U.S. law that you can identify?

24 MS. SAFAVI: Objection; form;
25 speculation; calls for a legal conclusion; asked and

1 answered.

2 A. Can you clarify?

3 BY MS. KRISHNAN:

4 Q. In response to my question, do
5 analysts, typically, include information that is
6 irrelevant to whether someone is in violation of U.S.
7 law, including Title 8, you said no.

8 A. I said no, not, typically.

9 Q. Uh-huh. Okay.

10 A. Just to clarify.

11 Q. Thank you. So I'm trying to
12 understand why information about this op-ed was
13 included in a Report of Analysis on Ms. Ozturk. The
14 drafting an op-ed published in a school newspaper
15 relevant to any violation of U.S. law that you can
16 identify?

17 A. Maybe.

18 Q. What does it depend on?

19 MS. SAFAVI: Standing objection and
20 instruction to the witness.

21 A. Again, the circumstances around it,
22 the facts being collected and whether or not the
23 analyst thought that there might be relevance to
24 National Security of Public Safety sections of Title
25 8.

1 BY MS. KRISHNAN:

2 Q. How does an op-ed -- withdrawn.

3 When could an op-ed published in a
4 school newspaper present a threat to national
5 security?

6 MS. SAFAVI: Objection; form;
7 speculation; standing objection and instruction to
8 the witness regarding law enforcement privilege.

9 A. Yeah, you're -- you're asking me to
10 speculate, but let me clarify: If the analyst
11 included the comment about the Yankees in that
12 hypothetical, the analyst -- let me -- there are
13 occasions when analysts put information that is not
14 potentially relevant to a violation of the law, if
15 it's relevant to what they did in -- in an activity,
16 if it was their activity.

17 BY MS. KRISHNAN:

18 Q. So analysts can include information
19 about anything a noncitizen has written inside the
20 country, including when it doesn't -- withdrawn.

21 So analysts can include information
22 about anything a noncitizen has written inside the
23 country even if it's not relevant to a violation of
24 U.S. law?

25 MS. SAFAVI: Standing objection and

1 instruction to the witness.

2 A. Can you restate the question?

3 BY MS. KRISHNAN:

4 Q. So analysts can include information
5 about anything a noncitizen has written inside the
6 country even if it's not relevant to a violation of
7 U.S. law?

8 MS. SAFAVI: Standing objection and
9 instruction.

10 A. Yes.

11 BY MS. KRISHNAN:

12 Q. Can you think of any offense to which
13 writing an op-ed in a school newspaper could even be
14 peripherally relevant?

15 MS. SAFAVI: Objection; calls for a
16 legal conclusion and standing objection and
17 instruction to the witness on privilege.

18 A. I don't make those determinations.

19 BY MS. KRISHNAN:

20 Q. I understand that your office does
21 not make a determination as to whether there has been
22 a violation of U.S. law, but I understand your
23 testimony to be that an analyst includes information,
24 at least in part, based on their assessment of
25 whether it's relevant to a violation of U.S. law; is

1 that correct?

2 A. That is part of it.

3 Q. That is part of it, okay.

4 So then my question is: Can you
5 think of any violation of U.S. law to which writing
6 an op-ed could be relevant?

7 A. That -- I'd be speculating. I don't
8 want to speculate.

9 Q. I'm just asking -- I'm not asking
10 about a specific case. I'm asking a hypothetical,
11 and I'm asking you to answer to the extent you can
12 based on your understanding as the senior-most
13 official in the Office of Intelligence?

14 MS. SAFAVI: Objection; sidebar.

15 MS. KRISHNAN: I'm sorry. What does
16 that mean?

17 I'm just not sure what you're asking
18 for.

19 MS. SAFAVI: It's a statement, not a
20 question. If you want to phrase it --

21 MS. KRISHNAN: Well, I had asked a
22 question.

23 MS. SAFAVI: Okay.

24 MS. KRISHNAN: Yeah, so my question
25 again is:

1 BY MS. KRISHNAN:

2 Q. Can you think of any violation of law
3 to which an op-ed could be relevant? And your answer
4 was: "I'd be speculating," and I'm asking you to
5 answer nevertheless to the extent you can as somebody
6 who is the senior-most official in the Office of
7 Intelligence.

8 A. Relevant, "I intend to do violence."
9 You're asking me for an example in a hypothetical.

10 Q. Right.

11 A. Got it.

12 Q. So it depends on the content of the
13 op-ed?

14 A. Yes.

15 Q. Would an op-ed -- withdrawn.

16 Would the publication of an op-ed in
17 a school newspaper be relevant to any violation of
18 U.S. law if it did not include a call for violence?

19 MS. SAFAVI: Objection; form.

20 A. Can you clarify?

21 BY MS. KRISHNAN:

22 Q. If an op-ed in a school newspaper
23 didn't include a statement "I intend to do violence,"
24 is there any violation of U.S. law that such an op-ed
25 would be relevant here?

1 A. You're asking me to speculate after
2 six and a half hours.

3 If the op-ed mentioned Hamas, it
4 would be relevant. I'm sure there's other examples.

5 Q. I'm going to take you to one last
6 document.

7 Can you turn to page 44 of the
8 Certified Administrative Record that is marked as
9 Exhibit 4?

10 A. You said page 44?

11 Q. Yes.

12 A. Okay.

13 Q. Okay. Do you see the title
14 "Determination of Deportability"?

15 A. Yes.

16 Q. And do you see, above that, from
17 Marco Rubio?

18 A. Yes.

19 Q. Okay. And do you see the reference
20 to Badar Kahn Suri in the third line?

21 A. Yes.

22 Q. Okay. Could you turn to the line
23 running from the bottom of page 44 on to the top of
24 page 45. It's -- I'll lead you read that sentence?

25 MS. SAFAVI: I'm sorry, I can't hear

1 right now, so if we could just have a moment.

2 MS. KRISHNAN: Can we go off the
3 record? Oh, we're good. Sorry.

4 A. Can you repeat the question?

5 BY MS. KRISHNAN:

6 Q. I was just asking you to read that
7 sentence.

8 A. Okay.

9 Q. Have you read it? Okay.

10 So that sentence quotes from an
11 assessment and conclusion provided by DHS, ICE and I
12 think there's a typo, I think it's meant to refer to
13 HSI and it includes a quote.

14 Do you understand that to be a quote
15 from the Report of Analysis prepared in his case?

16 A. No.

17 Q. Do you understand that to be a quote
18 from the letter that Mr. Watson would have sent to
19 the State Department in Mr. Suri's case?

20 A. It could be -- I presume so.

21 Q. In the next sentence, it says: "In
22 addition, DHS, ICE, HSI also assesses that Suri is,"
23 quote, 'actively supporting Hamas terrorism.'"

24 Do you understand that quote to be
25 from the Report of Analysis produced in Mr. Suri's

1 case?

2 A. No.

3 Q. It goes on to say, and, quote,
4 actively spreads its propaganda and promotes
5 anti-Semitism in social media.

6 Do you understand that to be a quote
7 from the Report of Analysis produced in Mr. Suri's
8 case?

9 A. No.

10 Q. Do you understand that quote and the
11 quote mentioning actively supporting Hamas terrorism
12 to be from the letter that Mr. Watson sent to the
13 State Department in Mr. Suri's case?

14 A. I assume so.

15 Q. Is there any record of which
16 supervisor has reviewed a Report of Analysis?

17 A. No.

18 Q. Is there any record of which analyst
19 prepared a Report of Analysis?

20 A. Yes.

21 Q. Where is that record maintained?

22 MS. SAFAVI: Standing objection and
23 instruction to the witness.

24 A. In the Knowledge Management System I
25 referenced earlier.

1 Q. What is the name of that system?

2 MS. SAFAVI: Objection; asked and
3 answered and also standing objection and instruction
4 to the witness.

5 A. It's our Knowledge Management System
6 for HSI.

7 Q. Have you ever seen a letter that
8 Mr. Watson has sent to the State Department in any
9 manner involving a student protestor?

10 MS. SAFAVI: Objection; form.

11 A. Can you clarify?

12 BY MS. KRISHNAN:

13 Q. Uh-huh. Have you seen -- yeah, have
14 you seen any of the letters that Mr. Watson has
15 forwarded to the State Department in a matter
16 involving a student protestor?

17 A. No.

18 MS. KRISHNAN: I'm going to let you
19 go, Mr. Hatch.

20 THE DEPONENT: Thank you.

21 MS. KRISHNAN: Thank you for being so
22 patient.

23 THE DEPONENT: You're welcome.

24 MS. SAFAVI: And Defendants have no
25 questions, so...

1 MS. KRISHNAN: Wonderful, thank you.

2 THE VIDEOGRAPHER: Here marks the end
3 of the video deposition. The time on the record is
4 20:17 and we are off the record.

5 THE REPORTER: May I have your orders
6 please?

7 MS. CONLON: For -- this is
8 Ms. Conlon, it's a rush order for us.

9 THE REPORTER: Like a daily you mean?

10 MS. CONLON: Yes and the rough as
11 soon as we can have it, please.

12 MS. SAFAVI: This is Nancy for
13 defendants, we'd also like an expedited order of the
14 transcript and we do not waive signing, so we want
15 our witness to -- or the witness to have a chance to
16 review the transcript and sign it.

17 THE REPORTER: Would you like a rough
18 as well?

19 MS. SAFAVI: Yes, thank you.

20 THE REPORTER: And Ms. Krishnan?

21 MS. KRISHNAN: I'm with Ms. Conlon.

22 (Deposition concluded at 8:18 p.m.)
23
24
25

1 CERTIFICATE

2
3 I, Okeemah S. Henderson, RPR, the officer
4 before whom the foregoing deposition was taken, do
5 hereby certify that the foregoing transcript is a true
6 and correct record of the testimony given; that said
7 testimony was taken by me stenographically and
8 thereafter reduced to typewriting under my direction;
9 that reading and signing was not requested; and that I
10 am neither counsel for, related to, nor employed by any
11 of the parties to this case and have no interest,
12 financial or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my notarial seal this 27th day of June,
15 2025.

16
17 My commission expires:
18 September 30, 2029
19
20
21

22 Okeemah S. Henderson
23 Okeemah S. Henderson, RPR
24 Official Court Reporter
25

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 I, Jennifer L. Wielage, CCR No. 30X100191600,
4 Certified Court Reporter, certify:

5 That the foregoing proceedings were taken
6 before me at the time and place therein set forth, at
7 which time the witness was put under oath by me;

8 That the testimony of the witness, the
9 questions propounded, and all objections and
10 statements made at the time of the examination were
11 recorded stenographically by me and were thereafter
12 transcribed;

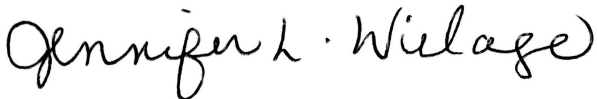
13 That a review of the transcript by the
14 deponent was requested;

15 That the foregoing is a true and correct
16 transcript of my shorthand notes so taken.

17 I further certify that I am not a relative or
18 employee of any attorney of the parties, nor
19 financially interested in the action.

20 I declare under penalty of perjury under the
21 law that the foregoing is true and correct.

22 Dated this 25th day of June 2025.

23 

24 Jennifer L. Wielage, CCR, RPR, CRR
25

1
2 DEPOSITION ERRATA SHEET3 Our Assignment No. 42251
4 Case Caption: AMERICAN VS. RUBIO

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DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of

_____, 20____.

PETER HATCH

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JENNIFER (4)
JESSICA (2)
Jessica.strokus@usdoj.
gov (1)

Jewish (2)
JOB (13)
John (3)
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JON (2)
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License (1)	matter (6)	names (57)	numbers (2)
likewise (1)	maximum (2)	NANCY (3)	< O >
limiting (1)	mean (55)	Nancy.safavi@usdoj.g	oath (3)
line (16)	meaning (6)	ov (1)	object (3)
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 Ramya.krishnan@knightcolumbia.org (1)
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EXHIBIT 7



ANARY MISSION

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OUR MISSION

Canary Mission documents individuals and organizations that promote hatred of the USA, Israel and Jews on North American college campuses and beyond. Canary Mission investigates hatred across the entire political spectrum, including the far right, far left and anti-Israel activists.

Canary Mission is motivated by a desire to combat the rise in anti-Semitism on college campuses. We pursue our mission by presenting the words and deeds of individuals and organizations that engage in anti-Semitism, racism and bigotry on the far right, far left and among the array of organizations that comprise the anti-Semitic [Boycott, Divestment, Sanctions \(BDS\)](#) movement.

Canary Mission gathers content from publicly available sources. Additionally, we collect and validate materials [submitted](#) privately through our website. We aggregate this information into a concise and easily searchable format, providing free access to the general public.

Before publication, all content is verified, meeting our high standards of accuracy and authenticity.

When published content is based on validated information submitted privately, a note indicating this is placed on the page.

The addition of individuals to our database is governed by our [Ethics Policy](#).

Individuals who believe that they should be removed from the Canary Mission website are encouraged to be in touch with us and may become an [Ex-Canary](#).



we all have the right to know if an individual has been affiliated with movements that routinely engage in anti-Semitic rhetoric and actions, promote hatred of Jews and seek the destruction of Israel.



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